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

<p><b>In the Matter of:</b></p> <p><b>Michael Hamilton Home Inspector #61079</b></p> <p style="text-align: center;"><b>Respondent</b></p>	<p style="text-align: center;"><b>Case No. HI19-031</b></p> <p style="text-align: center;"><b>CONSENT AGREEMENT and ORDER OF DISCIPLINE</b></p>
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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, Michael Hamilton (“Respondent”), holder of Registration No. 61079, 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.

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

2           4.       Respondent understands that this Consent Agreement or any part of the agreement  
3 may be considered in any future disciplinary action by the Board against him.

4           5.       The Consent Agreement, any record prepared in this matter, all investigative  
5 materials prepared or received by the Board and all related exhibits and materials, are public  
6 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent  
7 Agreement and may be retained in the Board's files pertaining to this matter.

8           6.       Respondent understands this Consent Agreement deals with Board case number  
9 HI19-031 involving allegations that Respondent engaged in conduct that would subject him to  
10 discipline under the Board's statutes and rules. The investigation into these allegations against  
11 Respondent shall be concluded upon the Board's adoption of 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, and does  
14 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction  
15 regarding any other pending or future investigation, action or proceeding.

16          8.       Respondent also understands that acceptance of this Consent Agreement does not  
17 preclude any other agency, subdivision, or officer of this State from instituting any other civil or  
18 criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

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

24          10.       This Consent Agreement is subject to the approval of the Board and is effective  
25 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept  
26 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing  
27 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent  
28 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor

1 introduced in any action by any party, except that the parties agree that should the Board reject  
2 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that  
3 the Board was prejudiced by its review and discussion of this document or any records relating  
4 thereto.

5 11. If a court of competent jurisdiction rules that any part of this Consent Agreement is  
6 void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full  
7 force and effect.

8 12. Respondent understands that any violation of this Consent Agreement may result in  
9 disciplinary action, including suspension or revocation of the registration under A.R.S. § 32-150.

10 13. Respondent agrees that the Board will adopt the following Findings of Fact,  
11 Conclusions of Law and Order.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of the  
14 practice of Home Inspection in the State of Arizona.

15 2. Respondent is the holder of Arizona Home Inspector, Registration No. 61079.

16 3. On or about December 14, 2018 Respondent conducted a home inspection at 24 E.  
17 Sagebrush Dr., Phoenix, Arizona

18 4. On December 17, 2018 the Board received a complaint alleging that Respondent  
19 failed to conduct a home inspection in accordance with the Standards of Professional Practice by  
20 failing to accurately report on the condition of grading and drainage, stem wall, and the roof.

21 5. On May 16, 2019, the Board's Enforcement Advisory Committee ("EAC")  
22 convened to review the complaint against Respondent. After reviewing the evidence and  
23 interviewing the Respondent, the committee determined that Respondent failed to conduct a  
24 home inspection in accordance with the Standard of Professional Practice for Arizona Home  
25 Inspectors ("S.O.P") and found that:

26 a) Respondent failed to report accurately on the condition of the roof covering as  
27 required in S.O.P #6.1

28 b) Respondent failed to report on functional flow as required in S.O.P #7.1

- 1 c) Respondent failed to report on condition of waste and vent piping system as  
2 required in S.O.P #7.1
- 3 d) Respondent failed to report on condition of functional drainage as required in  
4 S.O.P #7.1
- 5 e) Respondent failed to report on condition of water heater system as required in  
6 S.O.P #7.1
- 7 f) Respondent failed to report on condition of automatic safety controls as required in  
8 S.O.P #7.1
- 9 g) Respondent failed to report on condition of Gas water heater flue and vent as  
10 required in S.O.P #7.1
- 11 h) Respondent failed to report on condition of fuel piping or supports as required in  
12 S.O.P #7.1
- 13 i) Respondent failed to report on the condition of electrical compatibility as required  
14 in S.O.P #8.1
- 15 j) Respondent failed to report on condition of automatic safety controls as required in  
16 S.O.P #9.1
- 17 k) Respondent failed to report on condition of chimneys, flues and vents as required in  
18 S.O.P #9.1
- 19 l) Respondent failed to report on condition of heat source presence in each room as  
20 required in S.O.P #9.1
- 21 m) Respondent failed to report on condition cooling source presence in each room as  
22 required in S.O.P #10.1
- 23 n) Respondent failed to report on condition of bathroom ventilation as required in  
24 S.O.P #12.1
- 25 o) Respondent failed to report on condition of laundry ventilation as required in  
26 S.O.P #12.1
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**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. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.01, in that Respondent failed to conduct a Home Inspection in accordance with the Standards of Professional Practice for Arizona Home Inspectors.

**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 Five Hundred Dollars (\$500.00) 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 Five Hundred Twenty Nine Dollars (\$529.00) 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 Inspector in the State of Arizona. The Board shall consider any violation of this paragraph to be a separate violation of the rules and statutes 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 shall timely renew his Arizona registration as a Home Inspector, 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 registration. The issue at such a hearing will be limited solely to whether this Order has been violated.

ACCEPTED and ORDERED this 23<sup>RD</sup> day of JULY, 2019.



Jason E. Foose, R.L.S., Chairman  
Arizona State Board of  
Technical Registration

Consent Agreement and Order, No. H119-031 accepted this 22 day of May, 2019.



Michael Hamilton, Respondent

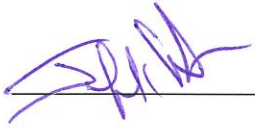
**ORIGINAL** filed this 24<sup>th</sup> day of  
JULY, 2019, with:

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

**COPY** of the foregoing mailed via Certified Mail  
No. 9214 8901 9434 460 0581 57 and  
First Class mail this 24<sup>th</sup> day of JULY, 2019, to:

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Michael Hamilton  
4321 E Milton Dr  
Cave Creek, AZ 85331

By:  \_\_\_\_\_