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

<p>In the Matter of:</p> <p>Harry Jim Bacon Home Inspector Registration No. 44513</p> <p>Pillar to Post, Inc Firm Registration No. 16623 (Expired)</p> <p style="text-align: center;">Respondents</p>	<p style="text-align: center;">Case No. HI20-034</p> <p style="text-align: center;">CONSENT AGREEMENT and ORDER OF DISCIPLINE</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, the undersigned party, Harry Jim Bacon ("Respondent"), holder of Registration No. 44513, Pillar to Post, Inc ("Respondent Firm"), holder of Registration No. 16623 (Expired), 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

1 administrative and/or judicial action concerning the matters set forth herein.

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

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

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

9 6. Respondent understands this Consent Agreement deals with Board case number
10 HI20-034 involving allegations that Respondent engaged in conduct that would subject him to
11 discipline under the Board's statutes and rules. The investigation into these allegations against
12 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

13 7. Respondent understands that this Consent Agreement does not constitute a
14 dismissal or resolution of any other matters currently pending before the Board, if any, and does
15 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction
16 regarding any other pending or future investigation, action or proceeding.

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

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

25 10. This Consent Agreement is subject to the approval of the Board and is effective
26 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept
27 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing
28 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent

1 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor
2 introduced in any action by any party, except that the parties agree that should the Board reject
3 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that
4 the Board was prejudiced by its review and discussion of this document or any records relating
5 thereto.

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

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

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

13 **FINDINGS OF FACT**

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

16 2. Respondent is the holder of Arizona Home Inspector, Registration No. 44513,
17 which expired on June 30, 2019.

18 3. Respondent Firm is holder of Arizona Registration No. 16623, which expired on
19 July 26, 2017.

20 4. Board records indicated that Respondent is the firm principal and is the responsible
21 party for Respondent Firm.

22 5. On or about May 2, 2020, the Board opened a complaint alleging that Respondent
23 failed to accurately report on the presence of garage door operators, failed to accurately report on
24 the condition of the plumbing under the downstairs kitchen sink, and failed to report on the
25 condition of the chimney, while conducting a home inspection at 2107 Bullis Lane in Prescott,
26 Arizona, on or about March 13, 2020.

27 6. It is further alleged that Respondent conducted a home inspection while his
28 certification with the Board as a Home Inspector was in a delinquent status. Board records show

1 that Respondent's certification expired on June 30, 2019, and had not been renewed on March 3,
2 2020.

3 7. It is also alleged that Respondent and Respondent Firm engaged in the practice of
4 home inspection without firm registration with the Board. Board records indicate that
5 Respondent Firm's registration expired on July 26, 2017.

6 8. On June 30, 2020, the Board received Respondent's Home Inspector certification
7 renewal, which was renewed and issued a new expiration date of June 30, 2021.

8 9. On November 6, 2020, an Enforcement Advisory Committee Meeting ("EAC")
9 convened to review the complaint against Respondent. After reviewing the evidence, the
10 Committee substantiated the allegation. The Committee also found that Respondent failed to
11 conduct a home inspection in accordance with Standards of Professional Practice for Arizona
12 Home Inspectors ("S.O.P.") and found that:

- 13 a. Respondent failed to accurately report on the type and condition of the foundation
14 as required in S.O.P. #4.1 and #4.2,
- 15 b. Respondent failed to accurately report on the type and condition of the floors as
16 required in S.O.P. #4.1 and #4.2,
- 17 c. Respondent failed to accurately report on the condition of the wall structure as
18 required in S.O.P #4.1 and #4.2,
- 19 d. Respondent failed to accurately report on the condition of the columns as required
20 in S.O.P. #4.2,
- 21 e. Respondent failed to to accurately report on the condition of the ceiling structure as
22 required in S.O.P #4.2,
- 23 f. Respondent failed to accurately report on the condition of the wall flashings and
24 trim as required in S.O.P. #5.1,
- 25 g. Respondent failed to accurately report on the exterior doors as required in S.O.P.
26 #5.2,
- 27 h. Respondent failed to accurately report on the representative number of windows as
28 required in S.O.P. #5.2,

- 1 i. Respondent failed to accurately report on the deck safety rails as required in S.O.P.
2 #5.1,
- 3 j. Respondent failed to accurately report on the type and condition of the roof
4 coverings as required in S.O.P. #6.1 and #6.2,
- 5 k. Respondent failed to accurately observe and report on the condition of the drainage
6 system as required in S.O.P #6.1,
- 7 l. Respondent failed to accurately observe and report on the condition of the flashings
8 and penetrations as required in S.O.P. #6.1,
- 9 m. Respondent failed to accurately report on the condition of piping materials as
10 required in S.O.P. #7.1,
- 11 n. Respondent failed to accurately report on the presence and condition of pipe
12 supports and insulations are required in S.O.P. #7.1,
- 13 o. Respondent failed to accurately report on the functional flow as required in S.O.P.
14 #7.1,
- 15 p. Respondent failed to accurately observe and report on the condition of the waste
16 piping as required in S.O.P. #7.2,
- 17 q. Respondent failed to accurately report on the condition of the functional drainage
18 as required in S.O.P #7.1,
- 19 r. Respondent failed to accurately report on the type and condition of the hot water
20 system as required in S.O.P. #7.1 and #7.2,
- 21 s. Respondent failed to accurately report on presence and condition of the automatic
22 safety controls as required in S.O.P. #7.1,
- 23 t. Respondent failed to accurately report on the condition of flutes and vents as
24 required in S.O.P. #7.1,
- 25 u. Respondent failed to accurately report on the condition of fuel storage and fuel
26 distribution as required in S.O.P. #7.1,
- 27 v. Respondent failed to accurately report on the type and condition of the service
28 conductor as required in S.O.P. #8.1 and #8.2,

- 1 w. Respondent failed to accurately report on the condition of the service ground as
2 required in S.O.P. #8.1,
- 3 x. Respondent failed to accurately report on the type and condition of the overcurrent
4 protection devices as required in S.O.P. #8.1 and #8.2,
- 5 y. Respondent failed to accurately report on the locations and conditions of the main
6 panel configuration and distribution panels as required in S.O.P. #8.1,
- 7 z. Respondent failed to accurately report on the services amperage and voltage as
8 required in S.O.P. #8.1,
- 9 aa. Respondent failed to accurately report on the condition of the branch circuit
10 conductors as required in S.O.P. #8.1,
- 11 bb. Respondent failed to accurately report on the condition of the compatibility as
12 required in S.O.P. #8.1,
- 13 cc. Respondent failed to accurately report on a representative number of lights and
14 switches as required in S.O.P. #8.1,
- 15 dd. Respondent failed to accurately report on the condition of polarity and grounding
16 as required in S.O.P. #8.1,
- 17 ee. Respondent failed to accurately report on presence and condition of automatic
18 safety controls as required in S.O.P. #9.1,
- 19 ff. Respondent failed to accurately report on the condition of the chimney, flues, and
20 vents as required in S.O.P. #9.1,
- 21 gg. Respondent failed to accurately report the type and condition of the distribution
22 system as required in S.O.P. #9.1,
- 23 hh. Respondent failed to accurately report on the condition of air filters as required in
24 S.O.P. #9.1,
- 25 ii. Respondent failed to accurately report on the presence of a heat source in every
26 room as required in S.O.P. #9.1,
- 27 jj. Respondent failed to accurately report on the condition of the operating controls
28 as required in S.O.P. #10.1,

- 1 kk. Respondent failed to accurately report on the type and condition of the distribution
2 system as required in S.O.P. #10.1 and #10.2,
- 3 ll. Respondent failed to accurately report on the presence of a cooling source in
4 every room as required in S.O.P. #10.1,
- 5 mm. Respondent failed to accurately report on the condition of the walls and ceilings as
6 required in S.O.P. #11.1,
- 7 nn. Respondent failed to accurately report on the condition of the interior steps and
8 stairways as required in S.O.P. #11.1,
- 9 oo. Respondent failed to accurately report on the condition of the interior cabinets as
10 required in S.O.P. #11.1,
- 11 pp. Respondent failed to accurately report on the condition of the interior doors as
12 required in S.O.P. #11.2,
- 13 qq. Respondent failed to accurately report on the condition of the fire separation walls
14 and ceilings as required in S.O.P. #11.1,
- 15 rr. Respondent failed to accurately report on the type and condition of the vapor
16 retarder as required in S.O.P. #12.1 and #12.2,
- 17 ss. Respondent failed to accurately report on the condition of the attic ventilation as
18 required in S.O.P. #12.1,
- 19 tt. Respondent failed to accurately report on the condition of the kitchen ventilation
20 as required in S.O.P. #12.1,
- 21 uu. Respondent failed to accurately report on the condition of the bathroom ventilation
22 as required in S.O.P. #12.1,
- 23 vv. Respondent failed to accurately report on the condition of the laundry ventilation
24 as required in S.O.P. #12.1.
- 25 ww. As of November 6, 2020, Respondent has not renewed Respondent Firm.

26 **CONCLUSIONS OF LAW**

- 27 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
- 28 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline

1 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.01, in that Respondent failed
2 to conduct a home inspection in accordance with the Standards of Professional Practice for
3 Arizona Home Inspectors.

4 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
5 pursuant to A.R.S. § 32-141 in that Respondent and Respondent Firm practiced or offered to
6 practice a Board regulated profession without firm registration.

7 4. The conduct alleged in the Findings of Fact constitutes grounds for discipline
8 pursuant to A.R.S. § 32-127(D) and A.R.S. § 32-145(1) in that Respondent engaged in the
9 practice of a Board regulated profession while registration was expired and in a delinquent status.

10 **ORDER**

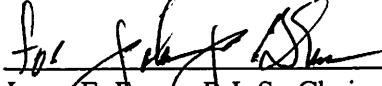
11 Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues the following
12 Order:

13 1. **RESTITUTION.** Within thirty (30) days from the effective date of this Consent
14 Agreement, Respondent shall pay restitution to the clients, Jamie Scott Wood and Kristen Marie
15 Wood, in the amount of Seven Hundred Dollars (\$700.00) for the cost of the home inspection fee
16 related to case HI20-034. Respondent shall provide proof of payment made to the client, such as a
17 copy of the check, to the Board of Technical Registration showing payment was made to the
18 client.

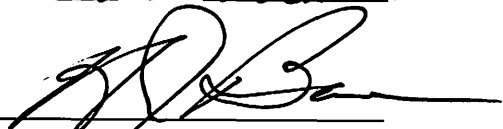
19 2. **VOLUNTARY SURRENDER.** Respondent agrees to voluntarily surrender his
20 Certified Home Inspector Registration No. 44513 in lieu of a formal hearing.

21 3. **EFFECTIVE DATE.** The effective date of this Consent Agreement is the date the
22 Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is
23 the later of the two dates.

24 ACCEPTED and ORDERED this 26 day of September, 2021.

25
26 
27 Jason E. Foose, R.L.S., Chairman
28 Arizona State Board of
Technical Registration

1 Consent Agreement and Order, No. HI20-034 accepted this 30 day of December, 2020.

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4 
Harry Jim Bacon on behalf of himself and on
behalf of Pillar to Post, Inc, Respondents

5 ORIGINAL filed this 27th day of

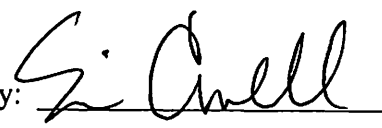
6 January, 2021, with:

7 Arizona State Board of Technical Registration
8 1110 W. Washington, Suite 240
9 Phoenix, AZ 85007

10 COPY of the foregoing mailed via Certified Mail
No. 9214 890194344600000077796 and

11 First Class mail this 27th day of January, 2021, to:

12 Harry Bacon
13 Pillar to Post, Inc
14 4612 W. 27th Lane
Yuma, AZ 85364

15
16
17 By: 
18