

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

<p>In the Matter of:</p> <p>Mathew Dominy Home Inspection Registration No. 65557</p> <p style="text-align: center;">Respondent</p>	<p style="text-align: center;">Case No. HI20-039</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, Mathew Dominy (“Respondent”), holder of Registration No. 65557, 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 HI20-039 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. 65557.

16 3. On or about March 18, 2020, Respondent conducted a home inspection at 2249 E.
17 Waltann Lane in Phoenix, Arizona.

18 4. On or about June 1, 2020, the Board received a complaint alleging that Respondent
19 failed to accurately report on the adverse condition of the home's functional drainage and the
20 adverse condition of the front bedroom ceiling fan/light while conducting a home inspection at
21 2249 E. Waltann Lane in Phoenix, Arizona, on or about March 18, 2020.

22 5. On November 12, 2020, an Enforcement Advisory Committee Meeting ("EAC")
23 convened to review the complaint against Respondent. After reviewing the evidence, the
24 Committee did not substantiate the allegation, however, the Committee did find that Respondent's
25 Home Inspection Report failed to meet the Standards of Professional Practice for Arizona Home
26 Inspectors ("S.O.P") in that:

- 27 a. Respondent failed to accurately report on the condition of the floor structure as
required in S.O.P #4.2,

- b. Respondent failed to accurately report on the condition of columns as required in S.O.P. #4.2,
- c. Respondent failed to accurately report on the condition of drainage systems as required in S.O.P. #6.1,
- d. Respondent failed to accurately report on the cross connections as required in S.O.P. #7.1,
- e. Respondent failed to accurately report on the condition of waste and vent piping system as required in S.O.P. #7.2,
- f. Respondent failed to accurately report on the functional drainage as required in S.O.P. #7.1 and #7.2,
- g. Respondent failed to accurately report on the condition of overcurrent protection devices as required in S.O.P. #8.1,
- h. Respondent failed to accurately report on the condition of Ground Fault Circuit Interrupters as required in S.O.P. #8.1,
- i. Respondent failed to accurately report on the condition of automatic safety controls as required in S.O.P. #9.1,
- j. Respondent failed to accurately report on the condition of the laundry ventilation as required in S.O.P. #12.1.

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.

1 2. **STAYED SUSPENSION AND PROBATION.** Respondent's registration as Home
2 Inspector Certification, No. 65557, shall be suspended for Six (6) months; however, the
3 suspension is stayed for as long as Respondent remains in compliance with this Order. During
4 the stay of suspension, Respondent's registration as a Home Inspector is placed on probation for
5 Six (6) months. If Respondent is non-compliant with any terms of this Order during the Six (6)
6 months stayed suspension and probation period, the stay of the suspension shall be lifted and
7 Respondent's registration as a Professional Engineer shall be automatically suspended without a
8 formal hearing, and remain suspended until Respondent is compliant with all terms of this Order.

9 3. **RESTITUTION.** Within thirty (30) days from the effective date of this Consent
10 Agreement, Respondent shall pay restitution to the client, Kathleen Morris, in the amount
11 of Three Hundred and Forty Dollars (\$340.00) for the cost of the home inspection fee related to
12 case HI20-039. Respondent shall provide proof of payment made to the client, such as a copy of
13 the check, to the Board of Technical Registration showing payment was made to the client.

14 4. **PEER REVIEW.** Within three (3) months of the effective date of this Consent
15 Agreement, Respondent shall accompany a supervising Certified Home Inspector ("Peer
16 Reviewer") for Three (3) Home Inspections, and perform inspections at the same time and
17 location as the Peer Reviewer. Respondent shall prepare a Home Inspection Report, and submit
18 the written report to the Peer Reviewer for review. The Respondent may select his Peer Reviewer
19 who shall be in good standing with the Board and shall not have received any disciplinary action
20 from the Board within the last 3-years. The Peer Reviewer shall have been continuously certified
21 by the Board as a Home Inspector for at least five (5) years and shall have conducted at least two
22 hundred and fifty (250) Home Inspections in the State of Arizona. The Respondent shall cause
23 the Peer Reviewer to sign an Affidavit and Agreement to Conduct Peer Review with the Board
24 affirming that the Peer Reviewer has met the Peer Review selection criteria prior to conducting
25 any Peer Reviews. At the conclusion of each peer reviewed Home Inspection, Respondent will
26 submit his work product, specifically a Home Inspection Report, to the Peer Reviewer who will
27 review and make all corrections to the Respondent's Home Inspection Report necessary for the
28 report to meet the Standards of Professional Practice for Arizona Home Inspectors. Respondent

1 shall not perform any Home Inspections or provide any client with a Home Inspection Report for
2 a fee, until all Peer Reviews are completed. Respondent shall ensure that the Peer Reviewer
3 provides a written report to the Board after each peer reviewed Home Inspection, detailing any
4 deficiencies in the Respondents practice, and certifying that the deficiencies have been explained
5 and corrected, in so far as the peer reviewed Home Inspection is concerned. Respondent shall
6 retain the Peer Reviewer at his own expense.

7 5. ADMINISTRATIVE PENALTY. Within six (6) months from the effective
8 date of this Consent Agreement, Respondent shall pay an administrative penalty of Five Hundred
9 Dollars (\$500.00) by certified check or money order made payable to the State of Arizona Board
10 of Technical Registration.

11 6. COST OF INVESTIGATION. Within Sixty (60) days from the effective date of
12 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
13 in the amount of Four Hundred Forty-Two Dollars (\$442.00) by certified check or money order
14 made payable to the State of Arizona Board of Technical Registration, according to the
15 provisions of A.R.S. § 32-128(H).

16 7. OBEY ALL LAWS. During the probationary period, Respondent shall obey all
17 federal, state and local laws, as well as, all rules governing the practice of Home Inspections in
18 the State of Arizona. The Board shall consider any violation of this paragraph to be a separate
19 violation of the rules and statutes governing the Arizona Board of Technical Registration. The
20 Board may also consider Respondent's non-compliance with this Order as a separate violation of
21 A.R.S. § 32-150.


22 8. RENEWAL OF REGISTRATION. Respondent shall timely renew his Arizona
23 registration as a Home Inspector, and timely pay all required registration fees.

24 9. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the
25 Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is
26 the later of the two dates.

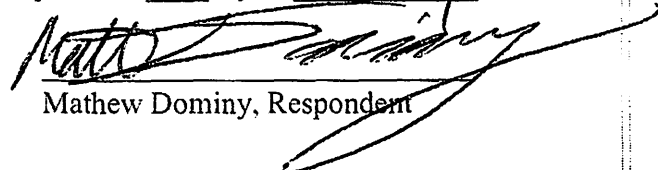
27 10. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
28 complying with this Consent Agreement.

11. 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 21st day of January, 2021.


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

Consent Agreement and Order, No. HI20-039 accepted this 4th day of January, ~~2020~~ ²⁰²¹.


Mathew Dominy, Respondent

ORIGINAL filed this 21st day of January, 2021, 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 890194344600077789 and
First Class mail this 21st day of January, 2021, to:

Mathew Dominy
2244 N. Hunt Cir.
Mesa, AZ 85203

By: 