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1. BEFORE THE ARIZONA STATE
BOARD OF TECHNICAL REGISTRATION



<p>In the Matter of:</p> <p>Galen Folsom Home Inspector Registration No. 69731</p> <p>Penny Brook Home Inspections Firm Registration No. 22840</p> <p>Respondents</p>	<p>Case No. HI21-010</p> <p>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, Galen Folsom, ("Respondent"), holder of Certification No. 69731 and Penny Brook Home Inspections, Home Inspection Firm No. 22840 ("Respondent 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

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 HI21-010, 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 Certified Home Inspectors in the State of Arizona.

16 2. The Board is the duly constituted authority for the regulation and control of Home
17 Inspection Firm in the state of Arizona.

18 3. On August 16, 2019, the Board granted Respondent Home Inspector Certification
19 No.51009.

20 4. On August 30, 2019, the Arizona Corporate Commission granted Respondent Firm
21 (PENNY BROOK INSPECTIONS, LLC), Entity ID 23016723, with the Respondent identified
22 as principal and statutory agent.

23 5. On September 1, 2020, the Respondent performed a home inspection under
24 Respondent Firm at 416 Canterbury in Sierra Vista, Arizona, without firm registration with the
25 Board.

26 6. On September 1, 2020, the Board received a complaint alleging Respondent
27 engaged in the practice of home inspection at 416 Canterbury in Sierra Vista, Arizona, without
28 firm registration with the Board.

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2 2. COST OF INVESTIGATION. Within thirty (30) days from the effective date of
3 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board
4 in the amount of One Hundred Two Dollars (\$102.00) by certified check or money order made
5 payable to the State of Arizona Board of Technical Registration, according to the provisions of
6 A.R.S. § 32-128(H).

7 3. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall timely
8 renew their Arizona certification as a Home Inspector and a Home Inspection Firm, and timely
9 pay all required registration fees.

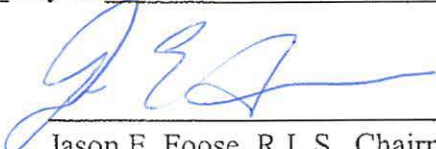
10 4. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the
11 Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is
12 the later of the two dates.

13 5. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as well
14 as, all rules governing the practice of Certified Home Inspector and Home Inspection Firm in the
15 State of Arizona. The Board shall consider any violation of this paragraph to be a separate
16 violation of the rules and statutes governing the Arizona Board of Technical Registration. The
17 Board may also consider Respondent's non-compliance with this Order as a separate violation of
18 A.R.S. § 32-150.

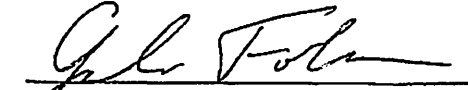
19 6. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
20 complying with this Consent Agreement.

21 7. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to
22 fulfill the requirements of this Order, the Board may seek a Petition for Injunction in accordance
23 with the provisions set forth in A.R.S. § 32-106.01.

24
25 ACCEPTED and ORDERED this 8TH day of DECEMBER, 2020.

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

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2 Consent Agreement and Order, No. HI21-010, accepted this 16 day of OCTOBER, 2020.
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6 Galen Folsom, Personally and on behalf of
7 Penny Brook Home Inspections, Respondents

8 ORIGINAL filed this 8th day of
9 December, 2020, with:

10
11 Arizona State Board of Technical Registration
12 1110 W. Washington, Suite 240
13 Phoenix, AZ 85007

14 COPY of the foregoing mailed via Certified Mail
15 No. 9214890194344600075983 and
16 First Class mail this 10th day of December, 2020, to:

17 Galen Folsom
18 Penny Brook Home Inspections
19 2301 N. Desert View Pl
20 Whetstone, AZ 85616

21 By: 
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