

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

3 **In the Matter of:**

4 **Robert Hickerson**
5 **Home Inspector**
6 **Registration No. 41528**

7 **Respondent**

Case No.: HI21-021

**CONSENT AGREEMENT
AND ORDER
for
VOLUNTARY SURRENDER**

8
9 In the interest of a prompt and judicious resolution of the above-captioned matter
10 before the Arizona State Board of Technical Registration (“Board”) and consistent with
11 the public interest, statutory requirements, and the responsibilities of the Board, and
12 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
13 Robert Hickerson (“Respondent”), holder of Registration No. 41528, and the Board enter
14 into the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent
15 Agreement”) as a final disposition of this matter.

16 **RECITALS**

17 1. Respondent has read and understands this Consent Agreement and has had
18 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
19 opportunity to discuss this Consent Agreement with an attorney.

20 2. Respondent understands that he has a right to a public administrative hearing
21 concerning this case. He further acknowledges that at such formal hearing he could
22 present evidence and cross-examine witnesses. By entering into this Consent Agreement,
23 Respondent knowingly, voluntarily, and irrevocably waives his right to such an
24 administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,
25 judicial review or any other administrative and/or judicial action concerning the matters
26 set forth herein.

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

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. The Consent Agreement, any record prepared in this matter, all investigative
4 materials prepared or received by the Board and all related exhibits and materials, are
5 public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this
6 Consent Agreement 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 HI21-021 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 also understands that acceptance of this Consent Agreement does
17 not preclude any other agency, subdivision, or officer of this State from instituting any
18 other 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 the Board's Executive Director, he may not
22 revoke his acceptance of the Consent Agreement or make any modifications to the
23 document regardless of whether the Consent Agreement has been signed on behalf of the
24 Board. Any modification to this original document is ineffective and void unless
25 mutually agreed by the parties in writing.

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

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

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

18 2. Respondent is the holder of Arizona Home Inspector Certification No.
19 41528.

20 3. On or about October 7, 2020, Respondent conducted a Home Inspection at
21 251 W. Amoroso Drive in Gilbert, Arizona.

22 4. On or about February 25, 2021, the Board received a complaint alleging that
23 Respondent failed to report on evidence of water damage originating from both upstairs
24 bathrooms and the roof, failed to report on a broken doorbell, and failed to report a non-
25 functioning window lock while conducting a home inspection at 251 W. Amoroso Drive
26 in Gilbert, Arizona, on or about October 7, 2020.

27 5. On or about September 23, 2021, an Enforcement Advisory Committee
28 convened to review the complaint against Respondent. After reviewing the evidence, the

1 Committee determined that Respondent failed to report on the evidence of water damage
2 originating from the upstairs bathroom and roof as required in Standards of Professional
3 Practice for Arizona Home Inspectors #4.1. In addition, the Committee did find that
4 Respondent's Home Inspection Report failed to meet the Standards of Professional
5 Practice for Arizona Home Inspectors ("S.O.P") in that:

- 6 a. Respondent failed to observe and report on the type and condition of the
7 Foundation as required in S.O.P #4.1,
- 8 b. Respondent failed to observe and report on the type and condition of the
9 floors as required in S.O.P. #4.1,
- 10 c. Respondent failed to accurately observe and report on the wall cladding as
11 required in S.O.P # 5.1,
- 12 d. Respondent failed to observe and report the condition of the drainage
13 systems as required in S.O.P # 5.1,
- 14 e. Respondent failed to observe and report on the type of roof covering as
15 required in S.O.P. 6.2,
- 16 f. Respondent failed to observe and report the condition of
17 Flashings/Penetrations, Skylights, Chimneys as required in S.O.P # 6.1,
- 18 g. Respondent failed to report on the method used to observe the Roof as
19 required in S.O.P. 6.2,
- 20 h. Respondent failed to observe and report on the condition of all the vent
21 piping supports and pipe insulation as required in S.O.P #7.1,
- 22 i. Respondent failed to describe the condition of the automatic safety controls
23 as required in S.O.P #9.1,
- 24 j. Respondent failed to observe the type of solid fuel heating device as
25 required in S.O.P #9.1.

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
2 Respondent failed to conduct a home inspection in accordance with the Standards of
3 Professional Practice for Arizona Home Inspectors.

4 **ORDER**


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

7 1. **RESTITUTION.** Within thirty (30) days from the effective date of this
8 Consent Agreement, Respondent shall pay restitution to the client, Thomas Bosch, in the
9 amount of Four Hundred and Ten Dollars (\$410.00) for the cost of the home inspection
10 fee related to case HI21-021. Respondent shall provide proof of payment made to the
11 client, such as a copy of the check, to the Board of Technical Registration showing
12 payment was made to the client.

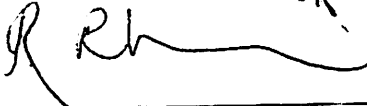
13 2. **VOLUNTARY SURRENDER.** Respondent agrees to voluntarily surrender
14 his Certified Home Inspector Registration No. 41528 in lieu of a formal hearing.

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

18 ACCEPTED and ORDERED this 7 day of December, 2021.

19
20 
21 Jack Gilmore, L.A., Chairman
22 Arizona State Board of
23 Technical Registration

24 Consent Agreement and Order, No. HI21-021 accepted this 3 day of
25 December, 2021.

26 
27 Robert Hickerson, Respondent
28

1 ORIGINAL filed this 7 day of

2 December, 2021, with:

3 Arizona State Board of Technical Registration
4 1110 W. Washington, Suite 240
Phoenix, AZ 85007

5 COPY of the foregoing mailed via Certified Mail

6 No. 9214 8901 9434 4600 0859 and 48

7 First Class mail this 8 day of December, 2021, to:

8 Robert Hickerson
9 5749 N. 78th Place
Scottsdale, AZ 85250

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