

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

3 **In the Matter of:**

**Case No.: HI21-022**

4 **Brian Olson**  
5 **Home Inspector**  
6 **Registration No. 71052**

**CONSENT AGREEMENT**  
**and**  
**ORDER OF DISCIPLINE**

7 **Respondent**

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 Brian Olson (“Respondent”), holder of Registration No. 71052, and the Board enter into  
14 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 HI21-022 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 71052.

20 3. On or about December 21, 2020, Respondent conducted a Home Inspection  
21 at 525 West Michelle Drive in Phoenix, Arizona.

22 4. On or about March 12, 2021, the Board received a complaint alleging that  
23 Respondent failed to report on the adverse condition of the exterior electrical outlets,  
24 failed to report on the adverse condition of the exterior gas piping, failed to report on the  
25 condition of water softener system, failed to report on loose and exposed wires coming  
26 from the solar panels on the roof, failed to report on the adverse condition of the  
27 electrical service panel, failed to report on the adverse condition of the HVAC system,  
28 failed to accurately report on the condition of the pool light, failed to inspect and

1 accurately report on the condition of the pool heater, and failed to enter into a written  
2 agreement with the client, during his home inspection at 525 West Michelle Drive in  
3 Phoenix, Arizona, on or about December 21, 2020.

4       5. On September 21, 2021, an Enforcement Advisory Committee Meeting  
5 (“EAC”) convened to review the complaint against Respondent. After reviewing the  
6 evidence, the Committee substantiated two of the allegations and determined that  
7 Respondent failed to report on the adverse condition of the exterior gas piping and failed  
8 to enter into a written agreement with the client. The Committee further found that  
9 Respondent’s Home Inspection Report failed to meet the Standards of Professional  
10 Practice for Arizona Home Inspectors (“SOP”) in that:

- 11       a) Respondent failed to enter into a signed agreement with the purpose  
12             and scope listed as required in S.O.P #2.2,
- 13       b) Respondent failed to enter into a signed agreement with the date of  
14             the inspection listed as required in S.O.P #2.2,
- 15       c) Respondent failed to enter into a signed agreement with his name  
16             listed as required in S.O.P #2.2,
- 17       d) Respondent failed to enter into a signed agreement with his firm  
18             address listed as required in S.O.P #2.2,
- 19       e) Respondent failed to enter into a signed agreement with AZ  
20             standards of professional practice noted as required in S.O.P #2.2,
- 21       f) Respondent failed to report on the presence of a garage door opener  
22             safety reverse as required in S.O.P #5.2,
- 23       g) Respondent failed to report on the condition of the roof material as  
24             required in S.O.P #6.1,
- 25       h) Respondent failed to report on the condition of the water heating  
26             equipment and operating controls as required in S.O.P #7.1,
- 27       i) Respondent failed to report on the condition of the flues and vents  
28             as required in S.O.P #7.1,

- 1 j) Respondent failed to report on the condition of the fuel storage and  
2 fuel distribution system and supports as required in S.O.P #7.1,  
3 k) Respondent failed to report on the condition of the heating  
4 automatic safety controls as required in S.O.P #9.1,  
5 l) Respondent failed to report on the type of the vapor retarder as  
6 required in S.O.P #12.2.

7  
8 **CONCLUSIONS OF LAW**

- 9 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.  
10 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
11 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301.01, in that  
12 Respondent failed to conduct a Home Inspection in accordance with the Standards of  
13 Professional Practice for Arizona Home Inspectors.

14 **ORDER**

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

- 17 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of  
18 Reprimand.  
19 2. STAYED SUSPENSION AND PROBATION. Respondent's registration as  
20 a Home Inspector, No. 71052, shall be suspended for Ninety (90) Days; however, the  
21 suspension is stayed for as long as Respondent remains in compliance with this Order.  
22 During the stay of suspension, Respondent's registration as a Home Inspector is placed  
23 on probation for Ninety (90) Days. If Respondent is non-compliant with any terms of  
24 this Order during the Ninety (90) Days stayed suspension and probation period, the stay  
25 of the suspension shall be lifted and Respondent's registration as a Home Inspector shall  
26 be automatically suspended without a formal hearing, and remain suspended until  
27 Respondent is compliant with all terms of this Order.  
28 3. PEER REVIEW. Within Ninety (90) Days of the effective date of this  
consent Agreement, Respondent shall accompany a supervising Certified Home Inspector

1 (“Peer Reviewer”) for Two (2) Home Inspections, and perform inspections at the same  
2 time and location as the Peer Reviewer. Respondent shall prepare a Home Inspection  
3 Report, and submit the written report to the Peer Reviewer for review. The Respondent  
4 may select his Peer Reviewer who shall be in good standing with the Board and shall not  
5 have received any disciplinary action from the Board within the last 3-years. The Peer  
6 Reviewer shall have been continuously certified by the Board as a Home Inspector for at  
7 least five (5) years and shall have conducted at least two hundred and fifty (250) Home  
8 Inspections in the State of Arizona. The Respondent shall cause the Peer Reviewer to  
9 sign an Affidavit and Agreement to Conduct Peer Review with the Board affirming that  
10 the Peer Reviewer has met the Peer Review selection criteria prior to conducting any Peer  
11 Reviews. At the conclusion of each peer reviewed Home Inspection, Respondent will  
12 submit his work product, specifically a Home Inspection Report, to the Peer Reviewer  
13 who will review and make all corrections to the Respondent’s Home Inspection Report  
14 necessary for the report to meet the Standards of Professional Practice for Arizona Home  
15 Inspectors. Respondent shall not perform any Home Inspections or provide any client  
16 with a Home Inspection Report for a fee, until all Peer Reviews are completed.  
17 Respondent shall ensure that the Peer Reviewer provides a written report to the Board  
18 after each peer reviewed Home Inspection, detailing any deficiencies in Respondent’s  
19 practice, and certifying that the deficiencies have been explained and corrected, in so far  
20 as the peer reviewed Home Inspection is concerned. Respondent shall retain the Peer  
21 Reviewer at his own expense.

22 4. ADMINISTRATIVE PENALTY. Within Sixty (60) days from the effective  
23 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two  
24 Hundred Fifty Dollars (\$250.00) by certified check or money order made payable to the  
25 State of Arizona Board of Technical Registration.

26 5. COST OF INVESTIGATION. Within Ninety (90) days from the effective  
27 date of this Consent Agreement, Respondent shall pay the cost of investigation of this  
28 case to the Board in the amount of Eight Hundred Fifteen Dollars (\$815.00) by certified

1 check or money order made payable to the State of Arizona Board of Technical  
2 Registration, according to the provisions of A.R.S. § 32-128(H).

3 6. RESTITUTION. Within Thirty (30) days from the effective date of this  
4 Consent Agreement, Respondent shall pay restitution to Barbara Johnson, in the amount  
5 of Four Hundred Thirty Five Dollars (\$435.99), for the cost of the Home Inspection in  
6 case HI21-022. Respondent shall provide proof of payment to the client (copy of the  
7 check) to the Board of Technical Registration showing payment was made.

8 7. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws,  
9 as well as, all rules governing the practice of Home Inspection in the State of Arizona.  
10 The Board shall consider any violation of this paragraph to be a separate violation of the  
11 rules and statues governing the Arizona Board of Technical Registration. The Board may  
12 also consider Respondent's non-compliance with this Order as a separate violation of  
13 A.R.S. § 32-150.


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

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


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

21 11. NONCOMPLIANCE. If Respondent violates this Order in any way or fails  
22 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity  
23 to be heard, may revoke, suspend or take other disciplinary actions against the  
24 registration. The issue at such a hearing will be limited solely to whether this Order has  
25 been violated.

1 ACCEPTED and ORDERED this 7 day of DECEMBER, 2021.

2  
3   
4 Jack Gilmore, P.L.A., Vice- Chairperson  
5 Arizona State Board of  
6 Technical Registration

7 Consent Agreement and Order, No. HI21-022 accepted this 17 day of  
8 October, 2021.

9   
10 Brian Olson, Respondent

11  
12  
13  
14 **ORIGINAL** filed this 8<sup>th</sup> day of  
15 December, 2021, with:

16 Arizona State Board of Technical Registration  
17 1110 W. Washington, Suite 240  
18 Phoenix, AZ 85007

19 **COPY** of the foregoing mailed via Certified Mail  
20 No. 9214 8901 9434 4600 0859 75 and  
21 First Class mail this 8<sup>th</sup> day of December, 2021, to:

22 Brian Olson  
23 11515 W Kansas Ave  
24 Youngtown, AZ 85363

25  
26 By: D. Carthel 