BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

In the Matter of:	Case No.: HI22-003
Steven Anderson Home Inspector Registration No. 51896	CONSENT AGREEMENT and ORDER OF DISCIPLINE
Respondent	

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, Steven Anderson ("Respondent"), holder of Home Inspector Certification No. 51896, 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.
- 3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

- 4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against him.
- 5. The Consent Agreement, any record prepared in this matter, all investigative materials prepared or received by the Board and all related exhibits and materials, are public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent Agreement and may be retained in the Board's files pertaining to this matter.
- 6. Respondent understands this Consent Agreement deals with Board case number HI22-003 involving allegations that Respondent engaged in conduct that would subject him to discipline under the Board's statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.
- 7. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.
- 8. Respondent also understands that acceptance of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.
- 9. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board's Executive Director, he may not revoke his acceptance of the Consent Agreement or make any modifications to the document regardless of whether the Consent Agreement has been signed on behalf of the Board. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.
- 10. This Consent Agreement is subject to the approval of the Board and is effective only when accepted by the Board and signed on behalf of the Board. If the Board does not accept this Consent Agreement, the Board retains its authority to hold a

8 9

7

11

10

12 13

14

15

17

16

18

19 20

21

22 23

24

25 26

27

28

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

- 11. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.
- 12. Respondent understands that any violation of this Consent Agreement may result in disciplinary action, including suspension or revocation of the registration under A.R.S. § 32-150.
- 13. Respondent agrees that the Board will adopt the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

- 1. The Board is the duly constituted authority for the regulation and control of the practice of Home Inspection in the State of Arizona.
- Respondent is the holder of Arizona Home Inspector, Certification No. 51896.
- 3. On or about December 28, 2020, Respondent conducted a Home Inspection at 4025 West Country Gables Drive in Phoenix, Arizona.
- On or about August 4, 2021, the Board received a complaint alleging that Respondent, after conducting a home inspection at 4025 West Country Gables Drive in Phoenix, Arizona, on or about December 28, 2020, failed to report on the potential fire hazard of aluminum wiring that was present throughout the home, and failed to report on the fence gate having been built over the electrical meter, creating a code violation.
- On November 17, 2021, an Enforcement Advisory Committee Meeting ("EAC") convened to review the complaint against Respondent. After reviewing the

evidence, the Committee opined that Respondent failed to identify the circuit branch wiring as aluminum and failed to recommend correction for it. The Committee further found that Respondent's Home Inspection Report failed to meet the Standards of Professional Practice for Arizona Home Inspectors ("SOP") in that:

- a. Respondent failed to list the date of the inspection in a written agreement as required in S.O.P 2.2,
- b. Respondent failed to recommend correction on the aluminum branch circuit wiring as required in S.O.P #2.2,
- c. Respondent failed to report on the condition of the supports and insulation as required in S.O.P #7.1,
- d. Respondent failed to properly report on the condition of the branch circuit conductors as required in S.O.P #8.1,
- e. Respondent failed to report on the condition of the electrical compatibility as required in S.O.P #8.1,
- f. Respondent failed to report on the condition of the automatic safety controls as required in S.O.P #9.1,
- g. Respondent failed to report on the type of pool and or spa as required in S.O.P #3.2,
- h. Respondent failed to report on the condition of the decks, steps, and coping as required in S.O.P #3.1,
- Respondent failed to report on the entrapment prevention components as required in S.O.P #3.1.
- 6. During the EAC meeting, Respondent acknowledged his failure to identify and report on the aluminum branch circuit wiring, calling it an "oversight on his part". Respondent also acknowledged his failure to report on the pool's entrapment prevention components, calling it an "oversight on his part".

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.
- 2. STAYED SUSPENSION AND PROBATION. Respondent's registration as a Home Inspector, No. 51896, shall be suspended for sixty (60) days; however, the suspension is stayed for as long as Respondent remains in compliance with this Order. During the stay of suspension, Respondent's registration as a Home Inspector is placed on probation for sixty (60) days. If Respondent is non-compliant with any terms of this Order during the sixty (60) days stayed suspension and probation period, the stay of the suspension shall be lifted and Respondent's certification as a Home Inspector shall be automatically suspended without a formal hearing, and remain suspended until Respondent is compliant with all terms of this Order.
- 3. PEER REVIEW. Within sixty (60) days of the effective date of this Consent Agreement, Respondent shall accompany a supervising Certified Home Inspector ("Peer Reviewer") for two (2) Home Inspections, and perform inspections at the same time and location as the Peer Reviewer. Respondent shall prepare a Home Inspection Report, and submit the written report to the Peer Reviewer for review. The Respondent may select his Peer Reviewer who shall be in good standing with the Board and shall not have received any disciplinary action from the Board within the last three (3) years. The Peer Reviewer shall have been continuously certified by the Board as a Home Inspector for at least five (5) years and shall have conducted at least two hundred and fifty (250) Home Inspections in the State of Arizona. Respondent shall cause the Peer Reviewer to sign and notarize an

Affidavit and Agreement to Conduct Peer Reviews with the Board affirming that the Peer Reviewer has met the Peer Review selection criteria prior to conducting any Peer Reviews. At the conclusion of each peer reviewed Home Inspection, Respondent will submit his work product, specifically a Home Inspection Report, to the Peer Reviewer who will review and make all corrections to the Respondent's Home Inspection Report necessary for the report to meet the Standards of Professional Practice for Arizona Home Inspectors. Respondent shall not perform any Home Inspections or provide any client with a Home Inspection Report for a fee, until all Peer Reviews are completed. Respondent shall ensure that the Peer Reviewer provides a written report to the Board after each peer reviewed Home Inspection, detailing any deficiencies in Respondent's practice, and certifying that the deficiencies have been explained and corrected, in so far as the peer reviewed Home Inspection is concerned. Respondent shall retain the Peer Reviewer at his own expense.

- 4. ADMINISTRATIVE PENALTY. Within sixty (60) days from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of Five Hundred Dollars (\$500.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.
- 5. COST OF INVESTIGATION. Within sixty (60) days from the effective date of this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board in the amount of Seven Hundred Four Dollars (\$704.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration, according to the provisions of A.R.S. § 32-128(H).
- 6. RESTITUTION. Within thirty (30) days from the effective date of this Consent Agreement, Respondent shall pay restitution to Noel Hartshorne, in the amount of Four Hundred Thirty Dollars (\$430.00), for the cost of the Home Inspection in case HI22-003. Respondent shall provide proof of the payment made to the client (copy of the check) to the Board of Technical Registration showing payment was made.
 - 7. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws,

as well as, all rules governing the practice of Home Inspection in the State of Arizona. The Board shall consider any violation of this paragraph to be a separate violation of the rules and statues governing the Arizona Board of Technical Registration. The Board may also consider Respondent's non-compliance with this Order as a separate violation of A.R.S. § 32-150.

- 8. RENEWAL OF REGISTRATION. Respondent shall timely renew his Arizona certification as a Home Inspector, and timely pay all required registration fees.
- 9. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is the later of the two dates.
- 10. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with 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 29 day of Jan Was U

Jack Gilmore, L.A., Chairman

Arizona State Board of Technical Registration

Consent Agreement and Order, No. HI22-003 accepted this day of December, 2021.

Steven Anderson, Respondent

1	*
2	ORIGINAL filed this 26 day of
3	January, 2022, with:
4	Arizona State Board of Technical Registration
5	1110 W. Washington, Suite 240
6	Phoenix, AZ 85007
7	COPY of the foregoing mailed via Certified Mail
8	No. $92/4890/94344600086453$ and First Class mail this 26 day of 3 and 3 , 2022, to
9	Steven Anderson
10	National Property Inspections
11	14175 W. Indian School Rd. Suite B4-541
12	Goodyear, AZ 85395
13	
14	2 2 1 C 1 1 O 1
15	By: Daniel Carthel Doll
16	
17	*
18	
19	
20	

2.4