

**MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION**

June 28, 2011

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance, Harold “Hal” Epperson, Dr. Susan Kliman, David Komm, Howell “Chip” Shay, Erick Weiland, John Willett, Robert Stanley and LeRoy Brady, Douglas Folk Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Patricia Sandino. Assistant Attorney General: Mona Baskin
3. **CALL TO THE PUBLIC** - No members of the public addressed the Board.
4. **MINUTES**
Approve, modify and /or reject the May 24, 2011 minutes. - Mr. Shay moved to adopt the May 24, 2011 minutes. Dr. Schaefer Kliman seconded, Mr. Komm abstained, motion carried.
5. **ENFORCEMENT MATTERS**
Review, Consideration and Possible Vote on the following:
 - A. Proposed Dismissals
 1. M11-060 - Robert B. Winton - Architect #10632 - Mr. Folk recused himself citing conflict of interest. Dr. Schaefer Kliman made the motion to dismiss. Motion seconded by Mr. Komm. After discussion, motion carried.
 - B. Proposed Letters of Concern
 1. M10-044 - Mehrad Sadrisabet - P.E. Mechanical #18187 - Dr. Kliman and Mr. Folk recused themselves citing conflict of interest. Mr. Komm made the motion to send a Letter of Concern to Mr. Sadrisabet. Mr. Weiland seconded. After discussion, motion carried.
 - C. Proposed Letters of Concern
 1. M08-017 - George Michael Haywood - Land Surveyor #13941 - Mr. Epperson moved to accept Respondent’s signed Consent Agreement encompassing the following Order: Letter of Reprimand and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$490.00. Mr. Stanley seconded. After discussion, motion carried.

2. M08-096 - William J. Norman - Land Surveyor #16588 - Mr. Weiland moved to accept Respondent's signed Consent Agreement encompassing the following Order: Amendment of Survey: Respondent shall amend the survey and record it with the Pinal County Recorder's office; Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$1,000.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$170.00. Mr. Komm seconded. After discussion, motion carried.
3. M09-045 - Brian W. Jervas - Land Surveyor #30357 - Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$255.00. Mr. Willett seconded. After discussion, motion carried.
- 4a. M09-132 - Kenneth I. Isaacson - Land Surveyor #15928 - Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Professional Education: Respondent shall take and successfully complete a professional surveying course in Retracement Surveys and/or Boundary Law; Examination: Respondent shall take and successfully complete the three-hour Arizona State Specific Exam for Land Surveyors; Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$480.00. Mr. Komm seconded. After discussion, motion carried.
- 4b. M09-103 - Kenneth I. Isaacson - Land Surveyor #15928 - Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Professional Education: Respondent shall take and successfully complete a professional surveying course in Retracement Surveys and/or Boundary Law; Examination: Respondent shall take and successfully complete the three-hour Arizona State Specific Exam for Land Surveyors; Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$480.00. Mr. Komm seconded. After discussion, motion carried.
5. M09-120 - John Redell Architects -- Dr. Schaefer Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$355.00. Mr. Stanley seconded. After discussion, motion carried.
6. M10-098 - Husker Surveying, LLC - Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$2,000.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$70.00. Mr. Stanley seconded. After discussion, motion carried.
7. M11-021 - Architectural Team Three William H. Hunse - Architect #10861- Dr. Schaefer Kliman moved to amend Respondent's signed Consent Agreement to encompass the following Order: Letter of Reprimand; Probation for three years; Professional Education courses in Ethics and Rulings to be completed within one year of the date of acceptance of the Consent Agreement; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$200.00. Mr. Folk seconded. After discussion, motion carried.

8. M11-023 - Dale Wischart - Non-Registrant - DW Engineering and Surveying - Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance: Respondent shall not offer engineering and/or land surveying services until such time as he has been granted registration by the Board or is in full compliance with the Board's statutes and rules; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$750.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$75.00. Mr. Weiland seconded. After discussion, motion carried.
9. M11-053 - Green and Green, Inc. – Mr. Folk recused himself citing conflict of interest. - Dr. Kliman moved to accept Respondent's signed Consent Agreement encompassing the following Order: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$2,000.00 and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$75.00. Mr. Stanley seconded. After discussion, motion carried.
10. M10-053 - Sunland Engineering - Mr. Epperson moved to accept Respondent's signed Consent Agreement encompassing the following Order: Administrative Penalty: Respondent shall pay an administrative penalty in the amount of \$1,000.00 and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$75.00. Mr. Komm seconded. After discussion, motion carried.
11. M11-009 - The Acacia Group - Mr. Folk moved to accept Respondent's signed Consent Agreement encompassing the following Order: Letter of Reprimand and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$75.00. Mr. Brady seconded. After discussion, motion carried.
12. M09-137 - Joseph Rodriguez - Non-Registrant - Mr. Folk moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance: Respondent shall not practice, or by any implication hold himself out as qualified to practice engineering as defined by A.R.S. § 32-101(11) and (12), until such time as he has been granted registration by the Board; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$500.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$140.00. Mr. Komm seconded. After discussion, motion carried.

D. Review, Discussion and Consideration

M08-043 - Teodorico I. Gutierrez – Civil Engineer #17984 - Mr. Folk recused himself citing conflict of interest. Mr. Epperson made the motion to send this case to administrative hearing if Mr. Gutierrez does not timely sign the Consent Agreement. Motion was seconded by Mr. Komm. After discussion, motion carried.

6. **HOME INSPECTOR ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

A. Evaluation of Applications / Requests for Possible Granting of Certification:

1. Brett E. Nicholson – Home Inspector Applicant #110368 - Mr. Nicholson was present and addressed the Board - Mr. Folk made the motion to grant certification. Mr. Willett seconded the motion. After discussion, motion carried.
2. William S. Kunitz - CHI #41593 - Mr. Kunitz was present and addressed the Board- Mr. Folk made the motion to reactivate certification upon receipt of proper paperwork. Dr. Kliman seconded the motion. After discussion, motion carried.
3. Justin R. Bratton - Home Inspector Applicant #100568 - The Board took no action on this case. Mr. Bratton will not be eligible for certification or Board review until 2014.
4. Justin M. France - Home Inspector Applicant #110475 Mr. France was present and addressed the Board. Mr. Folk made the motion to grant certification. Dr. Schaefer Kliman seconded the motion. After discussion, motion carried.
5. Steve J. Russo - Home Inspector Applicant #110483 - Mr. Folk made the motion to grant certification. Mr. Willett seconded the motion. After discussion, motion carried.
6. Joseph L. Bower - Home Inspector Applicant #110456 - Mr. Bower was present and addressed the Board - Mr. Stanley made the motion to grant certification upon receipt of registration fee. Mr. Komm seconded the motion. After discussion, motion carried.
7. Tom G. Cain - Home Inspector Applicant #110511- Mr. Cain was present and addressed the Board. Mr. Folk made the motion to grant certification. Mr. Stanley seconded the motion. After discussion, motion carried.

B. Proposed Consent Agreements

1. HI11-014 - Ms. Virendra T. Manaktala - Non-registrant - Mr. Folk moved to accept Respondent's signed Consent Agreement encompassing the following Order: Assurance of Discontinuance: Respondent shall not practice, or by any implication hold himself out as qualified to practice home inspections as defined by A.R.S. § 32-101(18) and (20), until such time as he has been granted certification by the Board; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$24,000.00; and Cost of Investigation: Respondent shall pay cost of investigation in the amount of \$280.00. Mr. Weiland seconded. After discussion, motion carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board

8. LICENSING MATTERS

Review, Consideration, and Possible Vote on the following: Review, Consideration, and Possible Action on the following:

1. James Farrell - Architect In Training Application #010249 - Architect Application #040980 – Mr. Farrell was present and addressed the Board. Dr. Kliman made the motion to deny an

extension to Mr. Farrel and to close his application, based upon his failure to pass the ARE timely. Mr. Stanley seconded. After discussion, motion carried.

2. Masuda Yasmin - Architect Application #050355 - Mr. Yasmin was present and addressed the Board. - Dr. Kliman moved to not grant application extension, and to close the file. If Mr. Yasmin reapplies, the Board will waive the IDP requirement. Motion was seconded by Mr. Folk. After discussion, motion carried.
3. Scott Ritchie - Civil Engineer Application #110108 - Mr. Ritchie was present and addressed the Board. - Mr. Willett recused himself citing conflict of interest. Mr. Komm moved to wait for an Arizona decision on an ongoing investigation of Mr. Ritchie. Mr. Stanley seconded the motion. After discussion, motion carried.
4. Daniel Ormand - Civil Engineer Application #110258 - Mr. Weiland moved to deny Mr. Ormand's application. Dr. Kliman seconded. Motion Failed. Mr. Folk moved to grant Mr. Ormand's Civil Engineer Application. Mr. Stanley seconded. After discussion, motion carried. (Roll call vote: Ayes, Stanley, Shay, Epperson, Brady, Folk, and Willett. Nay: Weiland, Komm, and Kliman.)
5. Myles Schnorbus - Engineer In Training Application #110054 - Mr. Schnorbus appeared telephonically and addressed the Board. Mr. Stanley moved to grant EIT designation to Mr. Schnorbus. Mr. Komm seconded. After discussion, motion carried.
6. Matthew Ward - Engineer In Training Application #110099 - Mr. Stanley made the motion to grant EIT designation to Mr. Ward. Mr. Brady seconded the motion. After discussion, motion carried.
7. Alberto Navarro - Civil Engineer Application #110399 - Mr. Navarro was present and addressed the board. - Mr. Willett made the motion to authorize Mr. Navarro to take the Fundamentals of Engineering Exam and hold registration in Arizona. Motion was seconded by Mr. Komm. After discussion, motion carried.

9. LICENSING CONSENT AGENDA

Consideration, and Action on the Evaluation Committee and Staff

Recommendations for the following (Lists of names available at the Board's office for public review):

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson moved that the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit

for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Dr. Schaefer Kliman seconded. After discussion, motion carried.

POLICY MATTERS

Review, Consideration, and Possible Action on the following:

1. ACLU Letter: The Board took no action on this issue, having reviewed a response letter to the ACLU in the Justin Bratton case, agenda item #6 (A) (3).

11. Review, Consideration, and Possible Vote on the following:

- A. Registrations that have been expired for three (3) years and recommended to be cancelled. There were no issues for this Item.
- B. Certifications that have been expired for one (1) year and recommended to be cancelled: (List of names available at the Board's office for public review.) The Board voted to pend the one case listed to ensure that the certificate holder received notice of cancellation.

12. DIRECTOR'S REPORT

Executive Director, Mr. Dalrymple reported that rulemaking activity is still on hold and may extend past FY 2012. He further clarified HB 2102, stating that it appears to require all applicants licensees to present photo ID to the licensing board prior to registration or renewal. Mr. Dalrymple left the meeting at 1:00 pm.

13. BOARD CHAIR'S REPORT

Mr. Shay reported that 144 Member Board Members and 31 Member Board Executives met at the National Council of Architectural Registration Boards Annual Conference, Washington, D.C. from June 23 through June 25, 2011.

The product of this conference was four Resolutions:

1. Mandatory Continuing Education Modal Law establishing twelve Continuing Education Hours per year, all to be Health, Safety, and Welfare subject matter.
2. Reform Intern Development Program and Architectural Registration Exam and deleting alternative methods.
3. Increase dues from Member Boards, from \$6,000 by \$500 in 2012 and repeat each year for the following five years.
4. Allow expelled jurisdictions to be readmitted after financial obligations are resolved.

Finally, as an item of interest, AIA and Mattel have released a new Architect Barbie Doll.

14. STANDING COMMITTEE REPORT

1. Legislation and Rules Committee - Dr. Schaefer Kliman reported that the Committee split up the different disciplines to learn what the Continuing Education requirements are for each profession.

The Committee reported for Architects, that there are 46 jurisdictions that require Continuing Education ("CE"), generally with 12 credits per year. Some of these jurisdictions have different renewal dates and nuances.

At the National Council of Architectural Registration Boards ("NCARB Annual Conference") meeting, a resolution was passed to standardize 12 CE hours per year. Also, the Committee adopted the verbiage to Continuing Education Hour ("CEH") and the CE reporting is to be based on the calendar year (January 1 –December 31). A majority of the states are allowing registrants to submit an affidavit in lieu of CE certificates anytime before their renewal date. A registrant is required to self report and if audited, he/she will be responsible to provide documentation.

The Committee reported on the Geologists – Currently there are seven states that require mandatory CE, but most do not. The states with CE requirements are similar to other jurisdictions, 12 hours within a year and all requirements are basically self reporting.

The Committee reported on Engineers and Land Surveyors - The Land Surveyors have CE requirements of some kind, but the majority of the states do not require CE. States around the Arizona vicinity such as California and Colorado do not require CE. The Land Surveyors had a concern with comity between states that require it and those that do not. The Committee has confirmed that there is no issue with someone coming from a state with CE, getting comity with someone who does not. The requirement of hours varied, but the most common is (12) hour per year. For Engineers, a majority of states have CE with a reporting period of one to three years and some requirements are between 12 to 15 hours as the norm.

The Committee reported a concern with states having extremely restrictive CE requirements. An example is Kansas, requiring registrants to report courses before they are administered.

The Committee reported few states allow carry-over generally in an affidavit audit. About 1/3 of the states require CE.

The Committee discussed with legal counsel, in the event the Board decides to implement CE, whether or not they have the ability to implement different requirements for the different disciplines.

Mr. Folk commented all of the professions have very technical content which changes over time, and that one way to assure that the professions stay current with these changes is to have them provide proof that they are getting continuing education on a regular basis.

Furthermore, the significant obligation of the Board for record keeping could be kept relatively manageable by requiring that all registrants self report through certification on

application that they have the required hours, and proof could be determined through subsequent audit or in connection with a disciplinary complaint.

2. Budget Committee – The Executive Director, Ronald W. Dalrymple, provided the Board with a budget report.
3. Home Inspector Rules and Standards Committee – Mr. Shay advised there was nothing new to report.
4. Environmental Remediation Rules and Standards Committee – Mr. Weiland advised there was nothing new to report.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

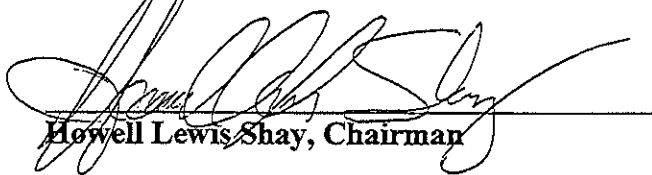
- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – Mr. Komm advised there was nothing new to report.
- B. National Council of Architectural Registration Boards (“NCARB”) – Dr. Schaefer Kliman advised there was nothing new to report.
- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Mr. Brady advised there was nothing new to report.
- D. National Association of State Boards of Geology (“ASBOG”) – Mr. Weiland advised there was nothing new to report. Next ASBOG meeting is in November 2011.

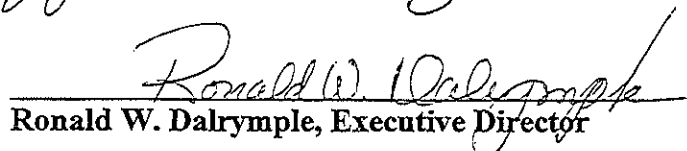
16. FUTURE BOARD MEETINGS –Tuesday, July 26, 2011 at 9:30 AM.

17. FUTURE AGENDA ITEMS –Renewal Form.

18. ADJOURNMENT–Meeting adjourned at 1:54 PM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION


Howell Lewis Shay, Chairman


Ronald W. Dalrymple, Executive Director