

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

Tuesday, September 27, 2011 Meeting

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 a.m. by Vice Chairman Harold “Hal” Epperson.
2. **ROLL CALL** – Board Members in Attendance, Harold “Hal” Epperson, Erick F. Weiland, Douglas Folk, John Willett, LeRoy Brady, Douglas T. Whitneybell, and Jason K. Madison. Absent: Robert Stanley and Dr. Susan Kliman. Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Manuel Maltos, Lisa Vardian, Patricia Sandino, and John Spencer. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **ADOPTION OF MINUTES** – Mr. Folk moved to approve the August, 23 2011 minutes. Mr. Willet seconded, motion carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

A. Proposed Consent Agreements:

1a. M09-125, 1b. M10-036, 1c. M10-078, 1d. M10-079, and 1e. M11-028, The Durrant Group – Mr. Folk recused himself citing conflict of interest. Mr. Weiland moved to approve the signed consent agreement encompassing the following:
Suspension: Respondent’s Firm registration shall be suspended from the effective date of the order. The suspension shall be stayed during which time Respondent firm shall pay its collaborating professionals for their engineering services.
Probation: Respondent Firm shall be placed on probation until the following requirements are met:

Payment to collaborating professionals within six months from the effective date of this consent agreement, Respondent Firm shall pay its collaborating professionals for their engineering services as stated in the consent agreement. Within ten days of submitting payments to the collaborating professionals, Respondent Firm shall provide the Board with written proof that payments have been made.

If Respondent Firm fails to pay its collaborating professionals within six months from the effective date of this consent agreement and order, the Board shall lift the stay and Respondent Firm’s registration shall be suspended.

Letter of Reprimand: Cost of Investigation: Pay Cost of Investigation in the amount of \$830.00 within thirty days. Mr. Brady seconded. After discussion, motion carried.

B. Review and Discussion and Consideration

1a.M09-107, 1b.M09-108, 1c. M10-067, Finman & Associates, Laurence S. Finman P.E. (Mech) #36405 – The Board discussed the three cases on the agenda. Mr. Folk moved to consolidate all items relating to Finman & Associates, Inc. and to forward the consolidated cases to a formal administrative hearing. Mr. Weiland seconded. After discussion, motion carried.

C. Enforcement Advisory Committee Candidates

1. Ronald A. Starling, P.E. (Structural) #15563, P.E. (Civil) 15183 – Mr. Madison recused himself, citing conflict of interest. Mr. Willett moved to accept Mr. Starling's application and appoint him to the Enforcement Advisory Committee. Mr. Brady seconded. After discussion, motion passed.

2. Peter B. Lofquist, P.E. (Structural) #36418 – Mr. Madison recused himself, citing conflict of interest. Mr. Weiland moved to accept Mr. Lofquist's application and appoint him to the Enforcement Advisory Committee. Mr. Brady seconded. After discussion, motion passed.

D. Review and Consideration

1. M11-041, William V. Haas, P.E. (Civil) #35247 – Mr. Folk recused himself, citing conflict of interest. Mr. Wayne Peck (Deputy County Attorney) addressed the Board on behalf of Maricopa County, and Mr. P. K. Morrill addressed the Board on his own behalf. The Board convened an Executive Session to receive legal advice pursuant to A.R.S. 38-431.03. After receiving legal advice from the Assistant Attorney General, the Board went back into Open Session. Mr. Weiland declared that the Board had jurisdiction in this case, and then moved to rescind the Board's prior vote to refer the case to an Enforcement Advisory Committee. Mr. Brady seconded. After discussion, motion carried. Mr. Weiland moved to dismiss the case. Mr. Willett seconded. After discussion, motion carried.

6. HOME INSPECTOR MATTERS

Evaluation of Applications/Requests for Possible Granting of Certification:

1. Samuel K. Parker, Applicant #110700 – Mr. Parker was present and addressed the Board. Mr. Willett moved to grant certification as a Home Inspector to Applicant. Mr. Folk seconded. After discussion, motion carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

There were no issues for this Item.

8. LICENSING MATTERS

Review, Consideration, and Possible Action on the following:

1. Angelo, Paul, Fire Protection Engineer Application #110226 – Mr. Willett moved to grant applicant registration as Fire Protection Engineer to applicant. Mr. Folk seconded. After discussion, motion carried.
2. Hall, Joseph, Civil Engineer Application #110555 – Mr. Hall was present and addressed the Board. Mr. Willett moved to grant Mr. Hall registration as a Civil Engineer to applicant. Mr. Weiland seconded. After discussion, motion carried.
3. Mundell, Mark, EIT Application #110168 – Mr. Mundell addressed the Board telephonically. Mr. Willett moved to approve Mr. Mundell’s application and grant him designation as an Engineer In Training. Mr. Brady seconded. After discussion, motion carried.
4. Parich, Michael, Architect Application #110494 – On Staff’s direction, action on this application was tabled until a future meeting to allow the Applicant to submit additional materials for review.
5. Smith, Michael, Architect Application #110446, AIT Application #110095 – Mr. Smith addressed the Board telephonically. Mr. Weiland moved to authorize Mr. Smith to take the ARE and enroll in IDP. Mr. Folk seconded. After discussion, motion carried.
6. Burke, David, Electrical Engineer Application #110887 – Mr. Burke addressed the Board telephonically. Mr. Willett moved to grant Mr. Burke registration as an Electrical Engineer. Mr. Weiland seconded. After discussion, motion carried.
7. Downey, Edward, Civil Engineer Application #110877 – On Staff’s direction, action on this application was tabled until a future meeting to allow the Applicant to submit additional materials for review.
8. Yurs, Bryan, EIT Application #110185 – Mr. Weiland moved to approve Mr. Yurs’ application and grant him Engineer In Training designation. Mr. Folk seconded. After discussion motion carried.

9. LICENSING CONSENT AGENDA

Review, 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, and § 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. Weiland moved to withdraw Mr. Kevin Beck's application, #091193, and Mr. Avinash Shekhar's application, # 110725, on recommendation of staff, and that the applicants listed in 9.1 be granted professional registration, certification, or in-training designation; that the applicants listed in 9.2 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 in 9.3 be granted professional registration; and that the applications listed in 9.4 be administratively closed due to applicants' failure to meet the requirements of the Board. Mr. Willett seconded. After discussion, motion carried.

10. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

1. Election of Board Officers – Mr. Folk nominated Mr. Weiland for Chairman, Mr. Epperson for Vice Chairman, and Mr. Brady for Secretary. There were no additional nominations. Mr. Willett seconded the motion and moved to close nominations. Mr. Epperson made the call to question. A unanimous vote carried and Mr. Weiland is now Chairman, Mr. Epperson Vice Chairman, and Mr. Brady Secretary.
2. Meeting Dates – Mr. Willett moved to accept Staff's proposed 2012 meeting dates on the fourth Tuesday of each month and the third Tuesday in December. Mr. Folk seconded. After discussion, motion carried.

11. REVIEW, CONSIDERATION, AND ACTION ON THE FOLLOWING:

- A. Registrations that have been expired for three (3) years and recommended to be cancelled. There were no registrations to be cancelled for this month.
- B. Mr. Willett moved to cancel Certifications that have been expired for one (1) year. Mr. Folk seconded. After discussion, motion carried.

12. **DIRECTOR'S REPORT** – Executive Director, Mr. Ronald Dalrymple presented a written report to the Board and advised that if any of the members had any questions, he would be available to answer them after the meeting.

13. BOARD CHAIR'S REPORT

There was no report given.

14. STANDING COMMITTEE REPORTS

1. Legislation and Rules Committee
Mr. Folk requested that the committee review if there is a need to register geospatial professionals.

The next meeting is scheduled for January 12, 2012

2. Budget Committee
There was no report given.
3. Home Inspector Rules and Standards Committee – The Board received a written report stating that the Committee made minor changes to proposed pool and spa rules. Inspections may now be performed by current registrants and pool and spa inspections are optional. The Committee also discussed and agreed to minor wording changes on the Pool and Spa Checklist. There was discussion about the problem with realtors' preferred vendor programs and concluded the letters sent by staff were all that could be done at this time by the BTR. The Committee discussed minor wording changes to the Home Inspector Checklist regarding HVAC systems identification. Lastly, there was discussion on Continuing Education and the Committee would like to be kept informed and have input if anything happens on this subject.

Mr. Folk moved to nominate Mr. Whitneybell to fill the vacancy on the Home Inspector Rules and Standards Committee. Mr. Weiland seconded the motion and moved to close nominations. Mr. Epperson made the call to question. The nomination carried with a unanimous vote.

4. Environmental Remediation Rules and Standards Committee
There was no report given.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying (“NCEES”)
Mr. Willett attended the national conference in Providence, RI in August, 2011 and he reported that NCEES had made some rule changes to its model law.
2. National Council of Architectural Registration Boards (“NCARB”)
There was no report given.
3. Council of Landscape Architectural Registration Boards (“CLARB”)
Mr. Brady attended the National Meeting in Chicago in September 2011 and reported that CLARB exams will be changing from hand drawn to computer assisted. CLARB also voted to standardize industry acronyms such as RLA and LLA, to an all-encompassing PLA abbreviation.
4. National Association of State Boards of Geology (“ASBOG”)
Mr. Weiland reported that he will be attending November 2011 ASBOG meeting

in San Antonio, TX.

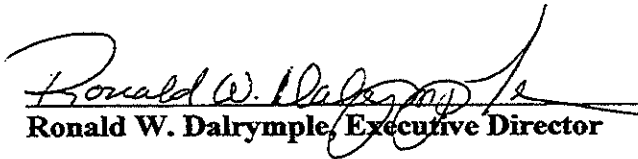
5. Public Member News/Information
There was no report given.

16. **FUTURE BOARD MEETINGS** – Tuesday, October 25, 2011, at 9:30 AM.

17. **ADJOURNMENT** – Meeting adjourned at 11:15 a.m.



Erick Fred Weiland, Chairman



Ronald W. Dalrymple, Executive Director