

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

**Tuesday, July 26, 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 a.m. by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance, Howell “Chip” Shay, David Komm, Douglas Folk, Dr. Susan Kliman, Harold “Hal” Epperson, Erick Weiland, and Robert Stanley. Absent: John Willett and Leroy Brady. Staff: Ronald Dalrymple, Melissa Cornelius, Kathryn Fuller, Lisa Vardian, Manuel Maltos, 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** – Dr. Kliman asked for a minor correction to the minutes. Mr. Shay moved to approve the June 28, 2011 minutes as corrected. Mr. Komm seconded, motion carried.
5. **ENFORCEMENT MATTERS**  
**Review, Consideration and Possible Vote on the following:**
  - A. Proposed Letters of Concern
    1. M11-022 - Jeffrey M. Flahart - Land Surveyor #37411- Mr. Epperson moved to issue Respondent a Letter of Concern. Mr. Folk seconded. After discussion, motion carried.
  - B. Proposed Consent Agreements
    1. M10-022 - B & B Engineering – Mr. Folk moved to accept Respondent’s signed Consent Agreement encompassing the following Order: Respondent shall pay an Administrative Penalty in the amount of \$500.00 and Cost of Investigation in the amount of \$75.00. Mr. Weiland seconded. After discussion, motion carried.
  - C. Discussion and Consideration of Administrative Law Judge Decision and Order.
    - 1a. 11F-M09-038-BTR / M09-038, Castro Engineering Corp., Frank G. Castro, P.E. (Civil) #15685
    - 1b. 11F-M09-042-BTR / M09-042, Castro Engineering Corp., Frank G. Castro, P.E. (Civil) #15685

- 1c. 11F-M09-053-BTR / M09-053, Castro Engineering Corp., Frank G. Castro, P.E. (Civil) #15685
- 1d. 11F-M09-097-BTR / M09-097, Castro Engineering Corp., Frank G. Castro, P.E. (Civil) #15685
- 1e. 11F-M09-130-BTR / M09-130, Castro Engineering Corp., Frank G. Castro, P.E. (Civil) #15685

1. Mr. Folk recused himself, citing conflict of interest. Assistant Attorney General Mona Baskin presented the State's position and requested that the Board adopt the Order. Mr. Epperson moved to adopt the Administrative Law Judge's, (ALJ)'s recommended Findings of Fact. Dr. Kliman seconded. After discussion, motion carried.
2. Mr. Epperson moved to adopt the ALJ's recommended conclusions of law. Dr. Kliman seconded. After discussion motion carried.
3. Mr. Epperson moved to adopt the ALJ's recommended order calling for a stayed revocation and suspension of Respondent's license for a period of three years from the effective date of the order. At the end of the suspension, Registration No. 15685 shall be revoked unless Respondent provides written proof to the Board and Respondent has paid collaborating professionals in full. Or, in the event that Respondent has filed a bankruptcy action that discharged those debts, the stayed revocation shall be set aside and the registration shall be reinstated in good standing. Respondent shall keep Professional Engineer Registration No. 15685 current, including renewing the registration while it is suspended. In addition to the above provided revocations and suspensions, Respondent shall be assessed the Board's costs in these matters. Dr. Kliman seconded. After discussion, motion carried.

#### **6. HOME INSPECTOR ENFORCEMENT MATTERS**

Evaluation of Applications/Requests for Possible Granting of Certification:

1. Douglas K. Kerr – Home Inspector Applicant # 110525 – Mr. Kerr was present and addressed the Board. Mr. Stanley moved to grant his application for Home Inspector. Dr. Kliman seconded. After discussion, motion carried.

#### **7. DRUG LABORATORY ENFORCEMENT MATTERS**

Review, Consideration, and Possible Action on the following:

There are no issues for this Item.

#### **8. LICENSING MATTERS**

Review, Consideration, and Possible Action on the following:

1. Giblin, Sandra - Architect Application #110567 – Ms. Giblin addressed the Board. Mr. Folk moved to require Applicant to submit proof of her diverse work experience to Staff for review and approval prior to granting her a waiver of Intern Development Program (IDP) and moved to approve her to take the

- Architect Registration Examination (ARE). Mr. Stanley seconded. After discussion, motion carried.
2. Griffiths, Jonathan - Geologist Application #110457 – Mr. Weiland moved to authorize applicant to take the professional Geology exam. Mr. Komm seconded. After discussion, motion carried.
  3. Hostetler, Mark - Structural Engineering Application #110524 – Mr. Hostetler addressed the Board via teleconference. Mr. Stanley moved to grant him registration as a structural engineer. Mr. Komm seconded. After discussion, motion carried.
  4. Hummel, Sean - EIT Application #110116 – Mr. Hummel was present and addressed the board. Mr. Komm moved to grant the application for EIT. Mr. Folk seconded. After discussion, motion carried.
  5. Jacoby, Samuel - Civil Engineering Application #110379 – Mr. Jacoby addressed the Board via teleconference. Mr. Komm moved to grant the application for Civil Engineer. Mr. Folk seconded. After discussion, motion carried.
  6. Kay, John - Geologist Application #110497 – Mr. Kay addressed the Board via teleconference. Mr. Weiland moved to grant the application for Geologist. Mr. Stanley seconded. After discussion, motion carried.
  7. Locher, David - EIT Application #110100 – Mr. Folk moved to grant the application for EIT. Mr. Komm seconded. After discussion, motion carried.
  8. Ogborne, Robert - EIT Application #050327 – Mr. Komm moved to grant the application for EIT. Mr. Weiland seconded. After discussion, motion carried.
  9. Tack, Frederick, III - EIT Application #070132 – Mr. Tack was present and addressed the Board. Mr. Komm moved to grant the application for EIT. Mr. Weiland seconded. After discussion, motion carried.
  10. Yazzie, Cordell - EIT Application #110132 – Mr. Yazzie was present and addressed the Board. Mr. Stanley moved to grant the application for EIT. Mr. Komm seconded. After discussion, motion carried.
  11. Anderson, Sherry - Architect Application #061077 – Dr. Kliman moved to deny the Applicant's request for extension to take the ARE. Mr. Epperson seconded. Motion failed. After further discussion Mr. Folk made a new motion to give Applicant three additional months to take the exam. He also moved to require Applicant to submit additional experience to satisfy A.A.C. R4-30-214 or complete IDP. Mr. Weiland seconded. After more discussion, motion carried with five Ayes (Mr. Weiland, Mr. Folk, Mr. Stanley, Mr. Shay, Mr. Willett, and Mr. Komm) and two Nays (Dr. Kliman and Mr. Epperson).

12. Radtke, Keith - LSIT Application #110089 – Mr. Epperson moved to Rescind authorization for Mr. Radtke to test until Applicant has provided sufficient approved experience to sit for the Fundamentals of Land Surveying Exam (FLS). Mr. Komm seconded the. 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;

Mr. Epperson moved that the applicants listed in 9.1 be granted professional registration, certification, or in-training designation; that the applicants listed in 9.2 are 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. Mr. Weiland seconded. After discussion, motion carried.

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);

Dr. Kliman made the motion that applications listed in 9.4 be administratively closed due to applicants' failure to meet the requirements of the Board, with case by case exceptions. It was further moved that one such case was Mr. Jeff Dietz – Architect Application #050223 - should be granted a one year extension to take and pass all divisions of the A.R.E. Mr. Weiland seconded. After discussion, motion carried.

## 10. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

1. Board's Registration Renewal Form – Mr. Weiland wanted to review the wording, and was satisfied with the changes.
2. Continuing Education Survey to be Included in Renewal Packets – This matter was tabled for a future meeting pending receipt of legal advice from the Attorney General's office.

3. Discussion and possible action on Colegio de Ingenieros Civiles de Sonora, A.C. request for a Memorandum (“MOU”) - The Board discussed the wisdom of agreeing to an MOU for engineers with Mexico without first consulting Governor Brewer. As a result, the Board requested that Staff investigate the Governor’s opinion of an MOU for engineers with Mexico, and bring the matter back to a later meeting for review and action.
4. Review of NCEES Exam Irregularity Response Letter and Vote to Release Exam Scores for Arizona Candidates - After much discussion, Mr. Folk moved to send a letter to NCEES, requesting the immediate release of the Arizona Candidate’s exam status as there was no evidence of wrong doing. Mr. Komm seconded. 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: (List of names available at the Board’s office for public review.)  
The Board voted to cancel all the listed registrations, removing registration # 30276, issued to Max Worthington, from the list. Mr. Worthington’s license is current.
- 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 cancel all the licenses listed.

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’d be available to answer them after the meeting.

13. **BOARD CHAIR’S REPORT** – Mr. Shay declined to present a Board Chair’s report.

**14. STANDING COMMITTEE REPORTS**

1. Legislation and Rules Committee  
There was no report given.
2. Budget Committee  
There was no report given
3. Home Inspector Rules and Standards Committee  
The Committee will be meeting on August 3, 2011
4. Environmental Remediation Rules and Standards Committee – Mr. Weiland gave the report which included:
  - a. The Committee reviewed the revisions made by the Governor’s Regulatory

Review Council (GRRC) staff attorney. The Committee discussed additional minor grammar revision and deleted the sample testing clearance levels for ephedrine and pseudoephedrine.

- b. The Committee discussed sample testing clearance levels for ephedrine and pseudoephedrine and concluded that EPA guidelines do not consider them harmful, and recommended that they be eliminated from the Rules. There was further discussion of sample testing of lead and mercury and determined that there should not be a change to sample testing and clearance levels.

#### **15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

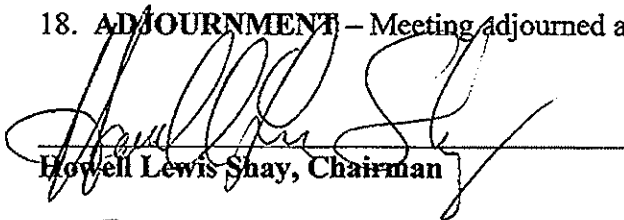
1. National Council of Examiners for Engineering and Surveying ("NCEES")  
There was no report given.
2. National Council of Architectural Registration Boards ("NCARB")  
There was no report given.
3. Council of Landscape Architectural Registration Boards ("CLARB")  
There was no report given.
4. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland advised that there was nothing new to report.
5. Public Member News/Information  
There was no report given.

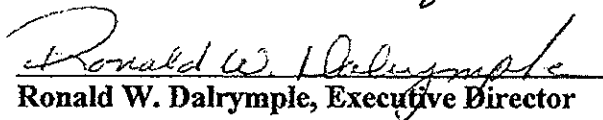
**16. FUTURE BOARD MEETINGS** – Tuesday, August 23, 2011, at 9:30 AM.

#### **17. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.**

- A possible replacement for the Board Newsletter.
- Update on Rules Moratorium / plans for Continuing Education.

**18. ADJOURNMENT** – Meeting adjourned at 12:05 p.m.

  
Howell Lewis Shay, Chairman

  
Ronald W. Dalrymple, Executive Director