



# State of Arizona BOARD OF TECHNICAL REGISTRATION

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS  
1645 W. JEFFERSON, SUITE 315 • PHOENIX, ARIZONA 85007 • (602) 255-4053

## ENFORCEMENT ADVISORY COMMITTEES' PROCEDURES

September 1981

### A. GENERAL PROCEDURES

1. An enforcement advisory committee will be established for each profession regulated by the Board. Committee members are appointed by the Board and serve at the pleasure of the Board.
2. The assayer, geologist, land surveyor and landscape architect committees will have four professional members and one public member. The architect committee will have four professional members and one building department member or one public member. The engineering committee panel assigned to an investigative file will have four professional members and one building department member or one public member; at least two members of the panel shall be registered in the same branch of engineering as the respondent. Each engineering committee panel will be drawn from a standing committee of engineers and nonprofessional members appointed by the Board to serve as circumstances require. To the extent feasible under the circumstances, the committees and panels will be geographically diverse.
3. Professional committee members will be nominated by Board members of that profession. Public and building department committee members will be nominated by the public Board member. The term "committee" used in these procedures refers to the engineering committee panel and the other standing professional committees.

5233

State Board of Technical Registration  
Enforcement Advisory Committees' Procedures

4. Each committee will elect a chairman and secretary. The chairman will preside at committee meetings. A designated committee member will preside if the chairman is absent. The secretary will prepare the committee's preliminary findings and recommendations.
5. Each committee will review investigative files concerning registrants of that profession referred to the committee by the Board according to the procedures contained in this document.
6. The Board will appoint a Board member of the appropriate discipline to serve as liaison to each advisory committee. The Board member will be available by telephone to handle inquiries and other communications from committee members and meet with the committee quarterly to provide information concerning Board policies and procedures.
7. The Board's enforcement officer will attend each advisory committee meeting to provide administrative support and assistance to the committee.
8. Prior to considering any investigative file, each committee member will complete a "CONFLICT OF INTEREST QUESTIONNAIRE" (see Appendix A). If possible conflict of interest is indicated, the member should consult staff for instructions.

State Board of Technical Registration  
Enforcement Advisory Committees' Procedures

B. MEETINGS PROCEDURES

1. Advisory committee meetings will be noticed to the public as executive sessions concerning the review of confidential investigative files.
2. Committee meetings will be scheduled as workload requires but not less than six meetings each calendar year on the day of the month indicated below:

- Third Wednesday - Architects
- Second Tuesday - Assayers
- Fourth Thursday - Engineers
- Second Thursday - Geologists
- Third Tuesday - Land Surveyors
- Fourth Tuesday - Landscape Architects

3. Each committee will determine the location and time for meetings. To the extent feasible, meetings should be scheduled in state buildings.
4. Each committee member should make diligent effort to attend each committee meeting. If a member is required by other commitments to miss two (2) or more consecutive meetings, he should immediately notify the Board so that a replacement can be appointed.

State Board of Technical Registration  
Enforcement Advisory Committees' Procedures

5. Each committee meeting will be tape-recorded. The tape will be kept until all the investigative files discussed at the meeting are closed, but not less than one year.

C. INTERVIEW PROCEDURES

1. The committee will review each investigative file to determine if any professional misconduct or deficiencies in violation of Board laws or rules may exist.
2. If the file is incomplete or needs further investigation, the committee will refer the file to staff with directions for further investigation. If the file indicates possible professional misconduct or deficiencies, the committee will schedule an interview with the registrant under investigation. If the file indicates no evidence of a violation of Board laws or rules, the committee will forward the file to the Board with the recommendation to close.
3. If the committee decides to interview the registrant, he will be notified in writing at least twenty (20) days prior to the interview of
  - a) The date, time and place of the interview
  - b) The informal nature of the proceedings

5212

State Board of Technical Registration  
Enforcement Advisory Committees' Procedures

- c) His right to bring counsel or attend without counsel
  - d) A description of the matters to be discussed at the interview (include the complaint and investigative reports)
  - e) His right to a formal hearing before the Board
4. The registrant will be requested to respond in writing to the allegations contained in the complaint and investigative reports no later than ten (10) days before the interview. In his response, registrant should indicate whether he will be represented by counsel at the interview.
5. If the registrant will be represented by legal counsel at the interview, the Board's legal counsel will be so advised by staff and a copy of the complete investigative file will be immediately forwarded for his review and participation in the proceedings if other assignments permit.
6. The following procedure will apply at the registrant interview:
- a. The chairman will introduce the committee members and explain the procedure to be followed
  - b. Swear in registrant
  - c. Registrant opening comments

State Board of Technical Registration  
Enforcement Advisory Committees' Procedures

- d. Committee members question the registrant
  - e. Registrant closing comments
  - f. Committee deliberations concerning preliminary findings and recommendations
7. The committee may interview other persons who have information concerning the matter under investigation prior to interviewing the registrant.
8. After the registrant's interview the committee will prepare written preliminary findings and settlement recommendations to the Board. The written report (see Appendix B) will include:
- a. Specific examples or incidents of professional misconduct or deficiencies
  - b. Specific settlement terms recommended by the committee which may include:
    - (i) revocation
    - (ii) suspension (period of time)
    - (iii) civil penalty (amount)
    - (iv) probation
      - peer review
      - practice restrictions
      - continuing education
      - other probation terms
    - (v) censure
  - c. If insufficient evidence of violations is found, the committee will recommend termination of the investigation

State Board of Technical Registration  
Enforcement Advisory Committees' Procedures

- 9. The committee should take into account the seriousness of the violations, the extent of client or public injury, the economic size of the firm and other relevant aggravating and mitigating circumstances when making recommendations.
- 10. The interview will end if the registrant decides he no longer wishes to participate in the informal interview process.

- 1. Are you professionally associated with or employed by any member of the Board of Technical Registration?
- 2. Have you ever been professionally disqualified with or shared office space with the respondent or his firm?
- 3. Have you ever been involved in any other business relationship or affairs with the respondent?
- 4. Are you a relative of or a personal or close social friend of the respondent or his family?
- 5. Are you a relative by blood or through marriage to any technical registered licensee member or his family?
- 6. Within the last five years, have you been involved in any litigation or other disputes with the respondent or his firm?
- 7. Have you filed this or any other complaint against the respondent or his firm with the Board of Technical Registration?
- 8. Do you have any reasons why you could not be completely objective and independent in a review of this respondent's or his firm's work product?

All the above being of the above is true, please explain. Attach sufficient sheets if necessary.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

5215

ADVISORY COMMITTEE QUESTIONNAIRE

Board File No. \_\_\_\_\_

Name of Registrant \_\_\_\_\_

Yes No

1. Are you located in the same city, metropolitan area, or within 25 miles of the respondent's place of business?  
 Yes  No
2. Are you in direct or indirect competition with the respondent for business in specialized aspects of your practice?  
 Yes  No
3. Is this respondent in direct or indirect competition with you in any other way?  
 Yes  No
4. Have you ever been engaged or employed to provide services to the firm or entity who are the respondents in this investigative review?  
 Yes  No
5. Are you professionally associated with or employed by any member of the Board of Technical registration?  
 Yes  No
6. Have you ever been professionally associated with or shared office space with the respondent or his firm?  
 Yes  No
7. Have you ever been involved in any other business relationship or venture with the respondent?  
 Yes  No
8. Are you a relative of or a personal or close social friend of the respondent or his family?  
 Yes  No
9. Are you a relative by blood or through marriage to any Technical Registration Board member or his family?  
 Yes  No
10. Within the last five years, have you been involved in any litigation or other disputes with the respondent or his firm?  
 Yes  No
11. Have you filed this or any other complaint against the respondent or his firm with the Board of Technical Registration?  
 Yes  No
12. Do you know of any reason why you could not be completely objective and independent in a review of this respondent's or his firm's work product?  
 Yes  No

(If the answer to any of the above is Yes, please explain; Attach additional sheets if necessary.)

\_\_\_\_\_  
 Type or print name

\_\_\_\_\_  
 Signature



State of Arizona  
BOARD OF TECHNICAL REGISTRATION

5246

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS  
1645 W. JEFFERSON, SUITE 315 • PHOENIX, ARIZONA 85007 • (602) 255-4053

ADVISORY COMMITTEE RECOMMENDATION

In the Matter of:

\_\_\_\_\_ )  
 \_\_\_\_\_ )  
 (Name) )  
 \_\_\_\_\_ )  
 (Discipline) )  
 \_\_\_\_\_ )  
 (Certificate number)

TO: ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

(ALTERNATIVE A)

On \_\_\_\_\_, the \_\_\_\_\_  
 (Discipline)

Advisory Committee held an informal interview with \_\_\_\_\_  
 (and counsel) concerning the alleged violations in this matter. Based upon  
 testimony and relevant documents, the committee recommends that the Board pro-  
 vide respondent the opportunity to propose informal settlement by consent to  
 the following disciplinary sanctions. The committee further recommends that  
 if the settlement cannot be obtained, formal disciplinary proceedings should  
 be instituted against respondent.

The Committee has determined that respondent may have committed the  
 following violation(s):

Fraud or misrepresentation in making application for registration.

\_\_\_\_\_  
 (Specify details) \*  
 \_\_\_\_\_  
 \_\_\_\_\_

APPENDIX B

Gross negligence. \_\_\_\_\_  
 (Specify details) \*  
 \_\_\_\_\_  
 \_\_\_\_\_

Bribery. \_\_\_\_\_  
 (Specify details) \*  
 \_\_\_\_\_  
 \_\_\_\_\_

Aiding and abetting an unregistered person to evade the provisions of ARS 32-101 through 32-145. \_\_\_\_\_  
 (Specify details) \*  
 \_\_\_\_\_  
 \_\_\_\_\_

Other misconduct. \_\_\_\_\_  
 (Specify details) \*  
 \_\_\_\_\_  
 \_\_\_\_\_

Recommended settlement sanctions:

Revocation of certificate (reapplication not to be accepted for a period of \_\_\_\_\_ years.)

Suspension of certificate for a period of \_\_\_\_\_ months.  
 (multiples of three)

Probation for a period of \_\_\_\_\_ with the following terms:

Submit to professional peer review for a period of \_\_\_\_\_ months.

Continuing education \_\_\_\_\_  
 (Specify details) \*

Restricted Practice: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

State of Arizona  
BOARD OF TECHNICAL REGISTRATION

Fine (Administrative penalty) of \$ \_\_\_\_\_

Censure (Formal Reprimand)

Respondant to be notified of violations and directed to take remedial action.

AGGRAVATING CIRCUMSTANCES

MITIGATING CIRCUMSTANCES

Related criminal convictions.

In-house injury, only: public not affected.

Gross incompetence indicated.

Significant effort to correct errors prior to investigation.

\_\_\_\_\_  
(Specify details) \*

Prior disciplinary action (s)

No prior disciplinary action (\*)

Intentional violations indicated.

Substantial cooperation and apparent desire to improve work product.

Other (Specify details) \* \_\_\_\_\_

Other (Specify details) \* \_\_\_\_\_

(Alternative B)

The Advisory Committee has not found sufficient grounds for disciplinary action and recommends that this matter be dismissed.

(Alternative C)

The Advisory Committee has determined that this matter is not within its review responsibility.

\_\_\_\_\_  
Chairman

Dated: \_\_\_\_\_

Attach additional sheets if necessary



# State of Arizona BOARD OF TECHNICAL REGISTRATION

15249

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS  
1645 W. JEFFERSON, SUITE 315 • PHOENIX, ARIZONA 85007 • (602) 255-4053

## ARCHITECTURE ADVISORY COMMITTEE

September 11, 1981

### TUCSON

Robert J. Swain  
1700 N. Harrison Rd.  
Tucson, AZ 85715

Earl Kai Chann  
4411 E. Fifth  
Tucson, AZ 85711

### PHOENIX

Dwight Busby  
Busby Assoc., Inc.  
5717 N. 7th Street  
Phoenix, AZ 85014

Herbert W. Schneider  
Rossman and Partners  
4601 E. McDowell Rd.  
Phoenix, AZ 85008

Craig Walling  
Peters & Walling  
118 E. 7th Street  
Tempe, AZ 85281



# State of Arizona BOARD OF TECHNICAL REGISTRATION

172510

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS  
1645 W. JEFFERSON, SUITE 315 • PHOENIX, ARIZONA 85007 • (602) 255-4053

## ENGINEERING ADVISORY COMMITTEE

### NAME, HOME ADDRESS

Jack E. Jones (Electrical Engineer) 02889  
1717 E. Pebble Beach Drive  
Tempe, AZ 85282

Robert F. Schuetz (Electrical Engineer) 08589  
3327 E. Larkspur Drive  
Phoenix, AZ 85032

William J. Kilcullen (Mechanical Engineer) 06009  
1036 E. Manhattan Drive  
Tempe, AZ 85282

Howard C. Daudet (Mechanical Engineer) 06836  
4635 E. Lafayette Blvd.  
Phoenix, AZ 85032

Anthony V. Schwan (Structural Engineer) 04933  
3118 N. 47th Place  
Phoenix, AZ 85032

T. Allen J. Gookin (Civil Engineer) 12255  
909 D S. Acapulco Drive  
Tempe, AZ 85281

A. Richard Garrett (Civil Engineer) 01216  
127 East Palmcroft Drive  
Tempe, AZ 85282

## ADVISORY COMMITTEE VOLUNTEERS

Louis G. Sorensen (Civil Engineer)  
City of Kingman  
310 North Fourth Street  
Kingman, AZ 86401

Frank E. Kulas (Structural Engineer) (Civil Engineer)  
Consulting Engineer  
2610 East Yucca Street  
Phoenix, AZ 85028



State of Arizona  
BOARD OF TECHNICAL REGISTRATION

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS  
1645 W. JEFFERSON, SUITE 315 • PHOENIX, ARIZONA 85007 • (602) 255-4053

ADVISORY COMMITTEE  
LANDSCAPE ARCHITECTS

September, 1981

Allen W. Gross, Chairman  
4124 W. Yucca  
Phoenix, AZ 85029

Michael E. Bell  
5721 E. 5th St.  
Tucson, AZ 85711

E. LeRoy Brady  
1428 N. Del Mar  
Mesa, AZ 85203

Bernard J. Freese  
6842 E. Belmont Circle  
Paradise Valley, AZ 85253

A. Wayne Smith  
2120 S. Rural Road  
Tempe, AZ 85282

ADVISORY COMMITTEE

VOLUNTEERS

Robert W. Gladwin  
Walter E. Rogers  
Rogers & Gladwin  
3722 South Meyer Street  
Tucson, Arizona 85701



State of Arizona  
BOARD OF TECHNICAL REGISTRATION

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS  
1645 W. JEFFERSON, SUITE 315 • PHOENIX, ARIZONA 85007 • (602) 255-4053

LAND SURVEYING ADVISORY COMMITTEE

September 11, 1981

Mike Wier, Chairman  
811 West Thomas  
Phoenix, AZ 85013

Eugene Skelley  
2802 West Solano Drive  
Phoenix, AZ 85017

John Nelson  
4550 North 12th Street  
Phoenix, AZ 85014

Larry Dadisman  
2469 North Country Club Road  
Tucson, AZ 85716

William Marum  
P.O. Box 731  
Tucson, AZ 85702

ALTERNATES

Tom Luckow  
4001 East Pima  
Tucson, AZ 85712

Kenneth Zismann  
2075 N. 6th Ave.  
Tucson, AZ 85705

John Anderson  
6601 North Black Canyon Highway  
Phoenix, AZ 85015

Dennis Brady  
1030 East Guadalupe Road  
Tempe, AZ 85283

Bob Wagoner  
2922 North 70th Street  
Scottsdale, AZ 85251

Jack Kesler  
P.O. Box 665  
Kingman, AZ 86402

Charles Melching  
2557 East Encanto  
Mesa, AZ 85203

David Nykorchuk  
2919 N. 36th St.  
Phoenix, AZ 85018



# State of Arizona BOARD OF TECHNICAL REGISTRATION

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS  
1645 W. JEFFERSON, SUITE 315 • PHOENIX, ARIZONA 85007 • (602) 255-4053

DATE: 9/18/81  
TO: BTR  
FROM: JOHN RIGGS  
SUBJECT: CONFLICT OF INTEREST/BIAS

In accordance with A.R.S. Section 38-501 et seq., I declare that I may have a vested interest in the following matter and therefore have decided to abstain from voting, or otherwise participating, in same due to an apparent conflict of interest for the following reason(s):

- CONFLICT:  In direct competition with the parties involved.
- This person is an employee \_\_\_\_\_ Partner \_\_\_\_\_ Friend \_\_\_\_\_  
Relative \_\_\_\_\_ Other \_\_\_\_\_ of mine.
- Other was a client

BIAS:  I may have special knowledge of this matter which may prejudice my judgment.

MATTER: COS-79  
BTR vs. DAVID J. RITCHIE  
BTR vs Eng. Concepts, Inc.

Signed [Signature]

This form, upon completion, will be incorporated into the minutes of the meeting.



State of Arizona  
 BOARD OF TECHNICAL REGISTRATION

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS  
 1645 W. JEFFERSON, SUITE 315 • PHOENIX, ARIZONA 85007 • (602) 255-4053

DATE: SEPT. 18, 1981  
 TO: BTR  
 FROM: JOHN RIGGS  
 SUBJECT: CONFLICT OF INTEREST/BIAS

In accordance with A.R.S. Section 38-501 et seq., I declare that I may have a vested interest in the following matter and therefore have decided to abstain from voting, or otherwise participating, in same due to an apparent conflict of interest for the following reason(s):

- CONFLICT:  In direct competition with the parties involved.
- This person is an employee \_\_\_\_\_ Partner \_\_\_\_\_ Friend \_\_\_\_\_  
 Relative \_\_\_\_\_ Other \_\_\_\_\_ of mine.
- Other TERMINATED BUSINESS RELATIONSHIP.  
I FILED COMPLAINT

BIAS:  I may have special knowledge of this matter which may prejudice my judgment.

MATTER: C41-80 BTR VS. DAVID J. RITCHIE

Signed \_\_\_\_\_

This form, upon completion, will be incorporated into the minutes of the meeting.



State of Arizona  
**BOARD OF TECHNICAL REGISTRATION**

5255

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS  
 1645 W. JEFFERSON, SUITE 315 • PHOENIX, ARIZONA 85007 • (602) 255-4053

DATE: SEPT. 12, 1981  
 TO: BTR  
 FROM: JOHN B. RIGGS  
 SUBJECT: CONFLICT OF INTEREST/BIAS

In accordance with A.R.S. Section 38-501 et seq., I declare that I may have a vested interest in the following matter and therefore have decided to abstain from voting, or otherwise participating, in same due to an apparent conflict of interest for the following reason(s):

- CONFLICT:  In direct competition with the parties involved.
- This person is an employee \_\_\_\_\_ Partner \_\_\_\_\_ Friend \_\_\_\_\_  
 Relative \_\_\_\_\_ Other \_\_\_\_\_ of mine.
- Other Personal contact

BIAS:  I may have special knowledge of this matter which may prejudice my judgment.

MATTER: C42-80 BTRVS. Ben Ong

Signed C. E. O'Brien

This form, upon completion, will be incorporated into the minutes of the meeting.



State of Arizona  
BOARD OF TECHNICAL REGISTRATION

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS  
1645 W. JEFFERSON, SUITE 315 • PHOENIX, ARIZONA 85007 • (602) 255-4053

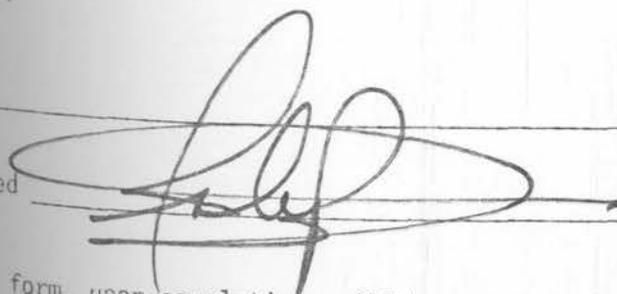
DATE: SEPT. 18, 1981  
TO: BTR  
FROM: JOHN B. RIGGS  
SUBJECT: CONFLICT OF INTEREST/BIAS

In accordance with A.R.S. Section 38-501 et seq., I declare that I may have a vested interest in the following matter and therefore have decided to abstain from voting, or otherwise participating, in same due to an apparent conflict of interest for the following reason(s):

- CONFLICT:  In direct competition with the parties involved.
- This person is an employee \_\_\_\_\_ Partner \_\_\_\_\_ Friend \_\_\_\_\_  
Relative \_\_\_\_\_ Other \_\_\_\_\_ of mine.
- Other BUSINESS RELATIONSHIP

BIAS:  I may have special knowledge of this matter which may prejudice my judgment.

MATTER: C05-80 BTR vs. R.G.A. CONSULTING ENGINEERS

Signed 

This form, upon completion, will be incorporated into the minutes of the meeting.



CANYON SAVINGS

5257

Arizona Plaza  
3134 East Camelback Road  
Phoenix, AZ 85016  
Phone 955-8350

September 22, 1981

Ms. Judy Ross  
Executive Director  
State Board of Technical Registration  
1645 West Jefferson  
Suite 315  
Phoenix, Arizona 85007

Dear Ms. Ross:

Please accept this letter as our approval of the change in the registered architect on our Bull Head City project. Our original contract was with Anthony Campanaro, A. I. A., but due to his passing away, Mr. Robert F. Armstrong, Architect is assuming his existing contractors. Our Bull Head City project is one of these assumptions. It is our understanding that Mr. Armstrong will perform all services as per our contract with Mr. Campanaro.

We would like to take this opportunity to thank you and the board for your assistance in this matter.

Sincerely,

Bill Robert  
Vice President

BR/mh

  
Bruce Babbitt  
Governor



5258

BRUCE BABBITT  
GOVERNOR

OFFICE OF THE GOVERNOR  
STATE HOUSE  
PHOENIX, ARIZONA 85007

September 10, 1981

Mr. Michael Haywood  
Arizona Land Surveyor  
P.O. Box 1001  
Prescott, Arizona 86302

Dear Mr. Haywood:

Thank you for sending me a copy of your letter to Attorney General Corbin concerning professional land surveyors. I have asked Mr. Wayne Earley, Chairman of the Board of Technical Registration, to review the issue of national testing standards for all the professions licensed by the Board, and to respond to you directly.

Sincerely,

Bruce Babbitt  
Governor

BB:dcm

cc: Wayne Earley



September 4, 1981

RECEIVED  
GOVERNOR'S OFFICE

G. Michael Haywood  
P.O. Box 5001  
Prescott, Arizona 86302

Jim #5

Robert K. Corbin, Esq.  
STATE OF ARIZONA ATTORNEY GENERAL  
1700 W. Washington  
Phoenix, Arizona 85007

Dear Mr. Corbin,

I am writing this letter to express my deep regret and professional concern over your recent decision to dismiss the examination administered by the State Board of Technical Registration for Professional Land Surveyors.

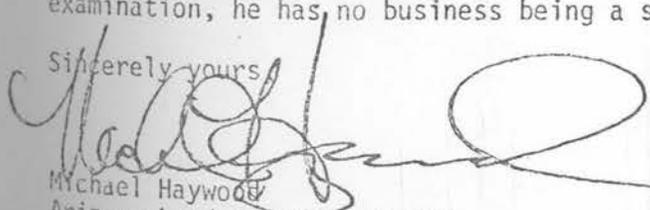
It is appalling to me to believe that you indeed feel there is no need for surveyors to be examined to prove their proficiency in the subdivision of public and private lands.

I have worked as a land surveyor for over fifteen years. In that time, I have encountered numerous "Surveyors" who would have been better suited to selling used cars. These are people who could be allowed certification to practice a skilled application of mathematical principles simply because they had "experience" in the field! Would you want Architects to be certified to design skyscrapers simply because they had worked as draftsmen for some prescribed length of time?

I strongly recommend that you review your decision in this matter. A reversal on your position could only benefit the people of the State of Arizona. As the value of our lands increase, the skill and knowledge of professional land surveyors becomes a much more important factor in the conveyance of accurate description of properties, on paper and in the field.

In short, If a person cannot pass a Nationally sanctioned surveyors examination, he has no business being a surveyor.

Sincerely yours,

  
Michael Haywood  
Arizona Land Surveyor #13941

cc: The Honorable Bruce Babbitt  
Governor of the State of Arizona

The Honorable Boyd Tenney  
Arizona State Senator

State Board of Technical Registration

TO BE INSERTED  
IN TEXT: Page 3/4

INSERT 1

1. Programming experience in which the candidate has participated in analyzing the client requirements, ~~and~~ the development of design objectives, space relations and requirements, expansion requirements, design flexibility, and site requirements.
2. Site design experience including the utilization of land, placement of structures, form relationships, traffic patterns, parking facilities, ~~placement~~ of utility systems; analysis of surface and subsurface conditions, ecological requirements, and the requirements of real estate and zoning laws as they pertain to construction.
3. Building design experience including the selection and layout of building systems; structural, mechanical, electrical, civil and interior considerations and design documentation.
4. Experience in the development and design of construction documents including the rendering of architectural, structural and interior drawings; the development of specifications; the development of bidding documents, and the evaluation of bids.
5. Administrative experience including office and field administration, field testing, quotation requests and change orders, cost accounting, and project closeout.

INSERT II

1. Design experience which includes the development and use of sketches, plans, drawings, outlines, scenes or models which convey the location, arrangement, purpose, appearance, and the nature of the construction or alteration of buildings, structures, works, machines, processes, materials or projects.
2. Experience in the development of specifications for materials, equipment, performance or methods to be used in the construction or alteration of buildings, works, machines, processes, land areas or projects.
3. Investigation and evaluation experience to determine or estimate the merit, effect, efficiency or practicability of a process, method, design or material for a given use.
4. Experience in client consultations.
5. Administrative experience including office and field administration, field testing, quotation requests, change orders, cost accounting, bidding procedures, and project closeout.

To be inserted  
AS "TEXT": Page 28

1. Design experience which includes the development and use of sketches, plans, drawings, outlines, schemes or models which convey the use and development of land, plantings, landscaping, settings, approaches to buildings, structures or facilities, traffic patterns, drainage, and erosion patterns.
2. Experience in the development of specifications for materials and methods to be employed for the most efficient and practical land usage.
3. Experience in client consultations.
4. Administrative experience including office and field administration, field testing, quotation requests, change orders, cost accounting, bidding procedures, and project closeout.

To be inserted as "text"; related  
 Page 53 saying ... )

INSERT IV

1. Experience in the analysis of ferrous and non-ferrous metals, minerals, fabrics, and rock or powdered ores.
2. Experience in all phases of fire analysis for the isolation of precious metals including: the identification of sample ores and minerals, pre-weighing sample preparation, use of assaying weights, grit sizing, dehydration, sampling, crushing, mixing, rolling, coning, truncating, quartering, firing, choice and use of fluxes, button processing, cupellation, weighing, parting, and calculation.
3. Experience in wet analysis or titration.
4. Experience in analysis by atomic absorption.
5. Experience in the use of mineral standards.

To be inserted on page 57.  
 (Replace "Experience directly related to the field of assaying...")

1,2,23

## LEGISLATION DRAFT

## BOARD OF TECHNICAL REGISTRATION

RELATING TO THE STATE BOARD OF TECHNICAL REGISTRATION; AMENDING, REPEALING AND RE-ENACTING CERTAIN SECTIONS OF THE ARIZONA REVISED STATUTES.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 32-101, Arizona Revised Statutes, is amended to read:

32-101. Purpose; definitions

A. The purpose of this chapter is to provide for the safety, health and welfare of the public through the promulgation and enforcement of standards of qualification for those individuals licensed and seeking licenses pursuant to this chapter.

B. In this chapter, unless the context otherwise requires:

1. "Architect" means a person who, by reason of his knowledge of the mathematical and physical sciences, and the principles of architecture and architectural engineering acquired by professional education and practical experience, is qualified to engage in the practice of architecture as attested by registration as an architect.

2. "Architect-in-training" means a candidate for registration as a professional architect who is a graduate of a school approved by the board as of satisfactory standing or who has <sup>FIVE</sup> ~~FOUR~~ YEARS OR MORE OF EDUCATION OR experience OR BOTH; ~~as outlined in the current standards of the national council of architectural registration boards in architectural work of a character satisfactory~~ <sup>to</sup> WHICH MEETS STANDARDS SPECIFIED BY the board IN ITS RULES. In addition, the candidate shall have successfully passed the ARCHITECT-IN-TRAINING examination ~~in the basic architectural subjects;--Upon completion of the requisite years of training and experience in the field of architecture under the supervision of a professional architect satisfactory to the board;~~ the architect-in-training shall be eligible for the second

stage-of-the-prescribed-examination-for-registration-as-a-professional-architect  
SPECIFIED BY THE BOARD IN ITS RULES.

3. "Architectural practice" means any service or creative work requiring architectural education, training and experience, and the application of the mathematical and physical sciences and the principles of architecture and architectural engineering to such professional services or creative work as consultation, evaluation, design and review of construction for conformance with contract documents and design, in connection with any building, planning or site development. A person shall be deemed to practice or offer to practice architecture who in any manner represents himself to be an architect, or holds himself out as able to perform any architectural service or other services recognized by educational authorities as architecture.

4. "Assayer" means a person who analyzes metals, ores, minerals, or alloys in order to ascertain the quality of gold or silver or any other substance present in them.

5. "ASSAYER-IN-TRAINING" MEANS A CANDIDATE FOR REGISTRATION AS A PROFESSIONAL ASSAYER WHO IS A GRADUATE OF A SCHOOL APPROVED BY THE BOARD AS OF SATISFACTORY STANDING AND IN A CURRICULUM APPROVED BY THE BOARD IN ITS RULES AS PERTINENT TO THE PRACTICE OF ASSAYING, OR WHO HAS FOUR YEARS OR MORE OF EDUCATION OR EXPERIENCE OR BOTH IN ASSAYING WORK WHICH MEETS STANDARDS SPECIFIED BY THE BOARD IN ITS RULES.

6. "ASSAYING PRACTICE" MEANS ANY SERVICE OR WORK REQUIRING ASSAYING EDUCATION, TRAINING <sup>OR</sup> EXPERIENCE, AND THE APPLICATION OF SPECIAL KNOWLEDGE OF THE MINERAL SCIENCES TO SUCH PROFESSIONAL SERVICES AS CONSULTATION AND THE EVALUATION OF MINERALS.

→ 7. "Board" means the state board of technical registration.

8. "BONA FIDE EMPLOYEE" MEANS AN INDIVIDUAL WORKING UNDER THE DIRECT SUPERVISION OF THE REGISTRANT AND RECEIVING ~~SOME FORM OF DIRECT OR INDIRECT~~ COMPENSATION FROM ~~THE~~ <sup>THE</sup> REGISTRANT AND WHOSE WORK PRODUCT SHALL BE THE RESPONSIBILITY OF THE REGISTRANT.

9. "Engineer" means a <sup>DIRECT SUPERVISION OR SUPERVISION</sup> professional-engineer <sup>PERSON</sup> who, by reason of special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as attested by his registration as <sup>a</sup> professional engineer.

10. "Engineering practice" means any professional service or creative work requiring engineering education, training and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, research investigation, evaluation, planning, surveying, design, location, development, and review of construction for conformance with contract documents and design, in connection with any public or private utility, structure, building, machine, equipment, process, work or project. Such services and work include plans and designs relating to the location, development, mining and treatment of ore and other minerals. A person shall be deemed to <sup>be</sup> practicing or offering to practice engineering if he practices any branch of the profession of engineering, or by verbal claim, sign, advertisement, letterhead, card or any other manner represents himself to be a professional engineer, or holds himself out as able to perform or does perform any engineering service or other service ~~or~~ recognized by educational authorities as engineering. A person employed on a full time basis as an engineer by an employer engaged in the business of developing, mining and treating ores and other minerals shall not be deemed to be practicing engineering for the purposes of this chapter if he engages in the practice of

engineering exclusively for and as an employee of such employer and does not hold himself out and is not held out as available to perform any engineering services for persons other than his employer.

\* 11. "Engineer-in-training" means a candidate for registration as a professional engineer who is a graduate in an approved engineering curriculum of four years or more of a school approved by the board as of satisfactory standing, or who has had four years or more of EDUCATION OR experience OR BOTH in engineering work of-a-character-satisfactory-to WHICH MEETS STANDARDS SPECIFIED BY the board IN ITS RULES. and In addition, has-succcessfully THE CANDIDATE SHALL HAVE passed the ENGINEERING IN TRAINING examination SPECIFIED BY THE BOARD IN ITS RULES in-the-basic-engineering-subjects,-and who,-upon-completion-of-the-requisite-years-of-training-and-experience-in engineering-under-the-supervision-of-a-professional-engineer-satisfactory-to the-board,-is-eligible-for-the-second-stage-of-the-prescribed-examination-for registration-as-a-professional-engineer.

\* 12. "Geological practice" means any professional service or work requiring geological education, training, and experience, and the application of special knowledge of the earth sciences to such professional services as consultation, evaluation of mining properties, petroleum properties, and groundwater resources, professional supervision of exploration for mineral natural resources including metallic and non-metallic ores, petroleum, and groundwater, and the geological phase of engineering investigations.

\* 13. "Geologist" means a person, not of necessity an engineer, who by reason of his special knowledge of the earth sciences and the principles and methods of search for an appraisal of mineral or other natural resources acquired by professional education and practical experience is qualified to practice geology as attested by his registration as a professional geologist. A person employed on a full time basis as a geologist by an employer engaged in the business of

5268

developing, mining or treating ores and other minerals shall not be deemed to be engaged in "geological practice" for the purposes of this chapter if he engages in geological practice exclusively for and as an employee of such employer and does not hold himself out and is not held out as available to perform any geological services for persons other than his employer.

\* 14. "Geologist-in-training" means a candidate for registration as a professional geologist who is a graduate of a school approved by the board <sup>as</sup> of satisfactory standing or who has had four years or more of EDUCATION OR experience OR BOTH in geological work ~~of-a-character-satisfactory-to~~ WHICH MEETS STANDARDS SPECIFIED BY the board IN ITS RULES. In addition, the candidate shall have successfully passed the GEOLOGIST-IN-TRAINING examination SPECIFIED BY THE BOARD IN ITS RULES ~~in-the-basic-geology-subjects--Upon completion-of-the-requisite-years-of-training-and-experience-in-the-field-of geology-under-the-supervision-of-a-professional-geologist-satisfactory-to-the board;-the-geologist-in-training-shall-be-eligible-for-the-second-stage-of the-prescribed-examination-for-registration-as-a-professional-geologist.~~

\* 15. "Landscape architect" means a person who, by reason of his professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture as attested by his registration as a landscape architect.

\* 16. "Landscape architect-in-training" means a candidate for registration as a professional landscape architect who is a graduate of a school approved by the board as of satisfactory standing or who has had four years or more of EDUCATION OR experience OR BOTH in landscape architectural work ~~of-a-character satisfactory-to~~ WHICH MEETS STANDARDS SPECIFIED BY the board IN ITS RULES. In addition, the candidate shall have successfully passed the LANDSCAPE ARCHITECT-IN-TRAINING examination SPECIFIED BY THE BOARD IN ITS RULES, ~~in-the-basic landscape-architectural-subjects--Upon-completion-of-the-requisite-years-of training-and-experience-in-the-field-of-landscape-architecture-under-the~~

17249  
supervision-of-a-professional-landscape-architect-satisfactory-to-the-board,-the  
landscape-architect-in-training-shall-be-eligible-for-the-second-stage-of-the  
prescribed-examination-for-registration-as-a-professional-landscape-architect.

17. "Landscape architectural practice" means the performance of professional services such as consultations, investigation, reconnaissance, research, planning, design, or responsible supervision in connection with the development of land and incidental water areas where, and to the extent that the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and esthetic values, the settings and approaches to buildings, structures, facilities, or other improvements, natural drainage and the consideration and the determination of inherent problems of the land relating to erosion, wear and tear, light and other hazards. This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this paragraph, but shall not include the making of cadastral surveys or final land plats for official recording or approval, nor mandatorially MANDATORILY include planning for governmental subdivisions.

18. "Land surveyor" means a person who engages-in-the-practice-of-surveying  
tracts-of-land-for-the-determination-of-their-correct-locations,-areas,-boundaries,  
and-description,-for-the-purpose-of-conveyancing-and-recording-or-for-establishment  
or-re-establishment-of-boundaries-and-plotting-of-lands-and-subdivisions. BY  
REASON OF HIS KNOWLEDGE OF THE MATHEMATICAL AND PHYSICAL SCIENCES AND THE  
PRINCIPLES OF LAND SURVEYING AND THE GATHERING OF EVIDENCE, ACQUIRED BY PROFESSIONAL  
EDUCATION <sup>OR</sup> ~~AND~~ PRACTICAL EXPERIENCE, <sup>OR BOTH</sup> IS QUALIFIED TO PRACTICE LAND SURVEYING AS  
ATTESTED BY HIS REGISTRATION AS A LAND SURVEYOR. [AN ENGINEER REGISTERED UNDER THIS  
CHAPTER PRIOR TO JULY 1, 1982 WHO HAS KNOWLEDGE OF THE PRINCIPLES OF LAND  
SURVEYING ACQUIRED BY PROFESSIONAL EDUCATION AND PRACTICAL EXPERIENCE IS QUALIFIED  
TO PRACTICE LAND SURVEYING. AN ENGINEER REGISTERED SUBSEQUENT TO JULY 1, 1982  
SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 32-123]

DELETE

} leave in -

19. "LAND SURVEYOR-IN-TRAINING" MEANS A CANDIDATE FOR REGISTRATION AS A PROFESSIONAL LAND SURVEYOR WHO IS A GRADUATE OF A SCHOOL APPROVED BY THE BOARD AS OF SATISFACTORY STANDING, AND IN A CURRICULUM APPROVED BY THE BOARD IN ITS RULES AS PERTINENT TO THE PRACTICE OF LAND SURVEYING, OR WHO HAS FOUR YEARS OR MORE OF EDUCATION OR EXPERIENCE OR BOTH WHICH MEETS STANDARDS SPECIFIED BY THE BOARD IN ITS RULES. IN ADDITION, THE CANDIDATE SHALL HAVE ~~SUCCESSFULLY~~ PASSED THE LAND SURVEYOR-IN-TRAINING EXAMINATION SPECIFIED BY THE BOARD IN ITS RULES.

20. "PRACTICE OF LAND SURVEYING" MEANS THE PERFORMANCE OF, ~~OR OFFERING TO PERFORM, EITHER IN PUBLIC OR PRIVATE CAPACITY, ONE OR MORE OF THE FOLLOWING:~~

(a) THE MEASUREMENT OF LAND TO DETERMINE CORRECT AREA, CORRECT DESCRIPTION OR FOR CONVEYANCING (page missing)

(b) THE ESTABLISHMENT OR REESTABLISHMENT OF LAND BOUNDARIES AND THE PLATTING OF LANDS OR SUBDIVIDING OF LANDS.

(c) THE LOCATION, RELOCATION, ESTABLISHMENT OR REESTABLISHMENT OF ANY RIGHT-OF-WAY OR EASEMENT BY USE OF THE PRINCIPLES OF LAND SURVEYING.

(d) THE DETERMINATION OF THE POSITION OF ANY SUCH MONUMENT OR REFERENCE POINT WHICH MARKS A PROPERTY LINE, BOUNDARY OR CORNER.

(e) THE SETTING, RESETTING OR REPLACING OF ANY SUCH MONUMENT OR REFERENCE POINT FOR THE PURPOSE OF DETERMINING CORRECT AREA OF LAND, CORRECT DESCRIPTION OF LAND OR FOR CONVEYANCING.

ADDITIONALLY, THE PRACTICE OF LAND SURVEYING MAY INCLUDE THE ACT OF MEASURING, LOCATING, ESTABLISHING OR REESTABLISHING CORNERS, LINES, BOUNDARIES, ANGLES, ELEVATIONS, CONTOURS AND NATURAL OR MAN-MADE FEATURES IN THE AIR, ON THE SURFACE OF THE EARTH, WITHIN UNDERGROUND WORKINGS AND ON THE BEDS OF BODIES OF WATER, INCLUDING TOPOGRAPHY AND THE PREPARATION AND PERPETUATION OF MAPS, PLATS, FIELDS NOTE RECORDS AND LAND DESCRIPTIONS THAT REPRESENT SUCH SERVICE OR WORK.

21. "RULES" MEAN THE CERTIFIED BY-LAWS, RULES AND REGULATIONS OF THE BOARD. THESE ARE THE MEANS AND GUIDELINES FOR THE IMPLEMENTATION AND DEFINITION OF POLICY, ENFORCEMENT AND LICENSING.

Section 2. Section 32-102, Arizona Revised Statutes

NO CHANGE

Section 3. Section 32-103, Arizona Revised Statutes

NO CHANGE

Section 4. Section 32-104, Arizona Revised Statutes

NO CHANGE

Section 5. Section 32-105, Arizona Revised Statutes

NO CHANGE

Section 6. Section 32-106, Arizona Revised Statutes, is amended to read:

32-106. Powers and duties

A. The board shall:

1. Adopt by-laws and rules for the conduct of its meetings and performance of duties imposed upon it by law.

2. Adopt an official seal for attestation of certificates of registration and other official papers and documents.

3. Consider and pass upon applications for registration AND, PURSUANT TO STANDARDS ESTABLISHED BY THE BOARD IN ITS RULES, HOLD FOR EXAMINATION CANDIDATES FOR IN-TRAINING AND PROFESSIONAL REGISTRATION .

4. Hear and pass upon complaints or charges OR DELEGATE TO HEARING OFFICERS THE RESPONSIBILITY FOR CONDUCTING SUCH HEARINGS.

5. PURSUANT TO SECTION 32-128, ARIZONA REVISED STATUTES, compel attendance of witnesses, administer oaths, and take testimony concerning all matters coming within its jurisdiction.

6. Keep a record of its proceedings.

7. Keep a register which shall show the date of each application for registration, the name of the applicant, the practice or branch of practice in which the applicant has applied for registration and the disposition of the application.

8. Do other things necessary to carry out the purpose of this chapter.

B. The board shall specify on the certificate of registration and renewal card issued to each registered engineer the branch of engineering in which he has demonstrated proficiency, and authorize him to use the title of registered professional engineer. The board shall decide what branches of engineering shall be thus recognized.

C. The board may hold membership in and be represented at national councils or organizations of proficiencies registered under this chapter and may pay the appropriate membership fees. The board may conduct standard examinations on behalf of national councils, and may establish fees therefor.

D. The board is authorized to employ and pay on a fee basis persons, including full time employees of a state institution, bureau or department, to prepare and grade examinations given to applicants for registration and to fix the fee to be paid for such services. Such employees are authorized to prepare, grade and monitor examinations and perform other services the board authorizes, and to receive payment therefor from the technical registration fund.

E. The board is authorized to rent necessary office space and pay the cost thereof from the technical registration fund.

F. The board may adopt rules and regulations establishing rules of professional conduct for registrants.

G. The board may require evidence it deems necessary to establish the continuing competency of registrants as a condition of renewal of licenses.

Section 7. Section 32-106.01, Arizona Revised Statutes

NO CHANGE

Section 8. Section 32-107, Arizona Revised Statutes

NO CHANGE

Section 9. Section 32-108, Arizona Revised Statutes

NO CHANGE

Section 10. Section 32-109, Arizona Revised Statutes

NO CHANGE

Section 11. Section 32-110, Arizona Revised Statutes, is amended to read:

Section 32-110. Immunity from personal liability.

Members and employees of the board AND MEMBERS OF ADVISORY COMMITTEES AND AGENTS OF THE BOARD are immune from personal liability with respect to acts done and actions taken in good faith within the scope of their authority.

Section 12. Section 32-121, Arizona Revised Statutes

NO CHANGE

Section 13. Repeal

Section 32-122, Arizona Revised Statutes, is repealed.

Section 14. Title 32, Chapter 1, Article 2 is amended by adding a new Section 32-122, to read:

32-122. QUALIFICATIONS FOR IN-TRAINING REGISTRATION

A. AN APPLICANT FOR IN-TRAINING REGISTRATION AS AN ARCHITECT, ENGINEER, GEOLOGIST OR LANDSCAPE ARCHITECT SHALL:

1. BE OF GOOD MORAL CHARACTER AND REPUTE;
2. HAVE GRADUATED FROM A SCHOOL APPROVED BY THE BOARD AS OF SATISFACTORY STANDING OR HAVE FOUR <sup>OR IN THE CASE OF AN ARCHITECT FIVE</sup> YEARS OR MORE OF EDUCATION OR EXPERIENCE OR BOTH IN WORK IN THE DISCIPLINE IN WHICH REGISTRATION IS SOUGHT AND WHICH MEETS STANDARDS SPECIFIED BY THE BOARD IN ITS RULES; AND
3. HAVE PASSED THE IN-TRAINING EXAMINATION AS SPECIFIED BY THE BOARD IN ITS RULES IN THE DISCIPLINE IN WHICH REGISTRATION IS SOUGHT.

B. AN APPLICANT FOR IN-TRAINING REGISTRATION AS AN ASSAYER OR LAND SURVEYOR SHALL:

1. BE OF GOOD MORAL CHARACTER AND REPUTE;
2. HAVE GRADUATED FROM A SCHOOL APPROVED BY THE BOARD AS OF SATISFACTORY STANDING AND IN CURRICULUM APPROVED BY THE BOARD IN ITS RULES AS PERTINENT TO THE PRACTICE OF THE DISCIPLINE IN WHICH REGISTRATION IS SOUGHT OR HAVE FOUR YEARS OR MORE OF EDUCATION OR EXPERIENCE OR BOTH IN THE DISCIPLINE IN WHICH REGISTRATION

IS SOUGHT AND WHICH MEETS STANDARDS SPECIFIED BY THE BOARD IN ITS RULES; AND

3. HAVE PASSED THE IN-TRAINING EXAMINATION AS SPECIFIED BY THE BOARD IN ITS RULES IN THE DISCIPLINE IN WHICH REGISTRATION IS SOUGHT.

C. THE BOARD MAY ESTABLISH BY RULE THE POINT IN TIME AT WHICH AN IN-TRAINING APPLICANT MAY BE ADMITTED TO THE IN-TRAINING EXAMINATION.

Section 15. Title 32, Chapter 1, Article 2, Arizona Revised Statutes, is amended by adding Section 32-122.01, to read:

32-122.01. QUALIFICATIONS FOR PROFESSIONAL REGISTRATION

A. AN APPLICANT FOR PROFESSIONAL REGISTRATION AS AN ARCHITECT, ENGINEER, GEOLOGIST OR LANDSCAPE ARCHITECT SHALL:

1. BE OF GOOD MORAL CHARACTER AND REPUTE;
2. HAVE ENGAGED ACTIVELY FOR AT LEAST EIGHT YEARS IN EDUCATION OR EXPERIENCE OR BOTH IN THE DISCIPLINE FOR WHICH REGISTRATION IS SOUGHT AND WHICH MEETS STANDARDS SPECIFIED BY THE BOARD IN ITS RULES; AND

3. UNLESS EXEMPTED UNDER THE PROVISIONS OF SECTION 32-126, ARIZONA REVISED STATUTES, HAVE PASSED BOTH THE IN-TRAINING AND THE PROFESSIONAL EXAMINATIONS PRESCRIBED BY THE BOARD IN ITS RULES.

B. AN APPLICANT FOR PROFESSIONAL REGISTRATION AS AN ASSAYER OR LAND SURVEYOR SHALL:

1. BE OF GOOD MORAL CHARACTER AND REPUTE;
2. HAVE ENGAGED ACTIVELY FOR AT LEAST SIX YEARS IN EDUCATION OR EXPERIENCE OR BOTH IN THE DISCIPLINE FOR WHICH REGISTRATION IS SOUGHT AND WHICH MEETS STANDARDS SPECIFIED BY THE BOARD IN ITS RULES; AND

3. UNLESS EXEMPTED UNDER THE PROVISIONS OF SECTION 32-126, ARIZONA REVISED STATUTES, HAVE PASSED BOTH THE IN-TRAINING AND THE PROFESSIONAL EXAMINATIONS PRESCRIBED BY THE BOARD IN ITS RULES.

C. IN DETERMINING YEARS OF ACTIVE ENGAGEMENT:

1. EACH YEAR OF STUDY SATISFACTORILY COMPLETED IN AN ARCHITECTURAL, ENGINEERING, GEOLOGICAL OR LANDSCAPE ARCHITECTURAL SCHOOL APPROVED BY THE BOARD

MAY BE CONSIDERED EQUIVALENT TO ONE YEAR OF ACTIVE ENGAGEMENT, UP TO A MAXIMUM OF FIVE YEARS, AND EACH YEAR OF TEACHING ARCHITECTURAL, ENGINEERING, GEOLOGICAL OR LANDSCAPE ARCHITECTURAL SUBJECTS IN A SCHOOL APPROVED BY THE BOARD MAY BE CONSIDERED EQUIVALENT TO <sup>A MAXIMUM OF</sup> ONE YEAR OF ACTIVE ENGAGEMENT ~~UP TO A MAXIMUM OF TWO YEARS.~~

2. EACH YEAR OF STUDY SATISFACTORILY COMPLETED IN AN ASSAYING OR LAND SURVEYING SCHOOL OR CURRICULUM APPROVED BY THE BOARD AS PERTINENT TO THE PRACTICE OF ASSAYING OR LAND SURVEYING, MAY BE CONSIDERED EQUIVALENT TO ONE YEAR OF ACTIVE ENGAGEMENT, UP TO A MAXIMUM OF FOUR YEARS, AND EACH YEAR OF TEACHING ASSAYING OR LAND SURVEYING OR OTHER COURSES APPROVED BY THE BOARD IN ITS RULES AS PERTINENT TO THE DISCIPLINE IN WHICH REGISTRATION IS SOUGHT AND IN A SCHOOL APPROVED BY THE BOARD MAY BE CONSIDERED EQUIVALENT TO A MAXIMUM OF ONE YEAR OF ACTIVE ENGAGEMENT.

*Unless exempted under the provisions of Section 32-124*

C. EXPERIENCE CREDITED BY THE BOARD MUST BE UNDER THE DIRECT SUPERVISION OF A REGISTRANT IN THE DISCIPLINE IN WHICH REGISTRATION IS SOUGHT AND SATISFACTORY TO THE BOARD, ~~UNLESS OTHERWISE PROVIDED BY THE BOARD IN ITS RULES.~~

Section 16. Section 32-123, Arizona Revised Statutes, is amended to read:

32-123 <sup>PROFESSIONAL</sup> Application for registration

A. A person desiring to practice architecture, assaying, engineering, geology, landscape architecture, or land surveying shall make application for registration on a form prescribed by the board, subscribed under oath and accompanied by the application fee. If the evidence submitted satisfies the board that the applicant is fully qualified, PURSUANT TO THE PROVISIONS OF SECTION ~~32-122.01~~ OR 32-126, ARIZONA REVISED STATUTES, to practice the profession for which registration is asked, it shall give him a certificate of registration, signed by the chairman and secretary and attested by the official seal.

B. If in the judgment of the board the applicant has not furnished satisfactory evidence of qualifications for registration, PURSUANT TO SECTION ~~32-122.01~~ OR 32-126, ARIZONA REVISED STATUTES, it may require additional data, or may require the

applicant to submit to an ADDITIONAL oral or written examination specified by the board in its rules and regulations RULES OF THE BOARD.

C. If the application is denied, the application fee shall be returned, less the cost of considering the application, as determined by the board.

Section 17. Section 32-124, Arizona Revised Statutes, is amended to read:

32-124. Registration, examination and miscellaneous fees

The board shall publish in its rules a schedule of fees for applications, examinations, and such other miscellaneous fees for services rendered as required not to exceed two hundred dollars.

Section 18. Section 32-125, Arizona Revised Statutes

NO CHANGE

Section 19. Section 32-126, Arizona Revised Statutes, is amended to read:

32-126. Registration without examination

A. The board may register without examination an applicant who holds a valid and subsisting certificate of registration issued by another state or foreign country which has OR HAD requirements for registration substantially identical to those of this state AT THE TIME SUCH REGISTRATION WAS GRANTED, or who holds a certificate of qualification issued by a national bureau of registration or certification RECOGNIZED BY THE BOARD IN ITS RULES. IF THE OTHER STATE OR FOREIGN COUNTRY CANNOT CERTIFY ITS REGISTRATION REQUIREMENTS AT THE TIME REGISTRATION WAS GRANTED, THE APPLICANT SHALL BE REQUIRED TO MEET THE CURRENT STANDARDS FOR REGISTRATION IN THIS STATE AS SPECIFIED BY THE BOARD IN ITS RULES.

~~B. THE BOARD MAY REGISTER WITHOUT EXAMINATION AN APPLICANT PREVIOUSLY EXEMPTED FROM REGISTRATION PURSUANT TO THE PROVISIONS OF SECTION 32-144, SUBSECTION A, PARAGRAPHS 1 AND 5 AND SECTION 32-144, SUBSECTION B, ARIZONA REVISED STATUTES, PROVIDED THE APPLICANT HAS BEEN ACTIVELY ENGAGED IN THE PRACTICE OF THE DISCIPLINE IN WHICH REGISTRATION IS SOUGHT FOR AT LEAST FIFTEEN YEARS AND MEETS THE STANDARDS FOR SUCH REGISTRATION AS SPECIFIED BY THE BOARD IN ITS RULES.~~

6. THE BOARD MAY WAIVE THE IN-TRAINING EXAMINATION FOR AN APPLICANT WHO HAS GRADUATED FROM A SCHOOL APPROVED BY THE BOARD AS OF SATISFACTORY STANDING AND, IN THE CASE OF AN ASSAYER OR LAND SURVEYOR APPLICANT, IN A CURRICULUM APPROVED BY THE BOARD IN ITS RULES AS PERTINENT TO THE DISCIPLINE IN WHICH REGISTRATION IS SOUGHT, PROVIDED, IN ADDITION, THE APPLICANT HAS BEEN ACTIVELY ENGAGED IN THE PRACTICE OF HIS DISCIPLINE, UNDER THE SUPERVISION OF A <sup>BEYOND THE ATTAINMENT OF THE DEGREE</sup> REGISTRANT IN THAT DISCIPLINE, FOR AT LEAST EIGHT YEARS.

Section 20. Section 32-127, Arizona Revised Statutes  
NO CHANGE

Section 21. Section 32-128, Arizona Revised Statutes, is amended to read:  
32-128. Revocation of certificate; censure; probation, hearing; notice of finding

A. The board may take disciplinary action against the holder of a certificate under this chapter, charged with the commission of any of the following acts:

1. Fraud or misrepresentation in obtaining a certificate of qualification, whether in the application or qualification examination.

2. Gross negligence, incompetence, bribery, or other misconduct in the practice of his profession.

3. Aiding or abetting an unregistered person to evade the provisions of this chapter or knowingly combining or conspiring with an unregistered person, or allowing one's registration to be used by an unregistered person or acting as agent, partner, associate or otherwise, of an unregistered person with intent to evade provisions of this chapter.

4. Violation of the rules or regulations of the board.

B. The board shall have authority to make investigations, employ investigators, and conduct hearings AND EMPLOY HEARING OFFICERS to determine whether a license issued under this chapter should be revoked or suspended upon a complaint in writing, under oath, or when the board, after receiving an oral or written complaint

not under oath, makes an investigation into such complaint and determines that there is sufficient evidence to warrant a hearing, on its own motion may direct the secretary to file a verified complaint charging a possessor of a certificate under this chapter, with commission of an offense subject to disciplinary action and give notice of hearing. The board may issue subpoenas for the attendance of witnesses and the production of records pursuant to Section 41-1010, Subsection A, Paragraph 4. The secretary shall then serve upon the accused, by registered mail, a copy of the complaint together with notice setting forth the charge or charges to be heard and the time and place of hearing, which shall not be less than thirty days succeeding the mailing of notice.

C. The accused may appear personally or by his attorney at the hearing and present witnesses and evidence in his defense and he may cross-examine witnesses against him.

D. If seven ~~SIX~~<sup>FIVE</sup> or more members of the board find the accused guilty, he may be censured, or placed on probation, and fined an amount not to exceed two thousand dollars or his certificate may be suspended or revoked but may be reissued upon the affirmative vote of seven ~~SIX~~<sup>FIVE</sup> or more members of the board. Should the certificate of a registrant who is a principal of a firm or executive officer of a corporation be suspended or revoked for cause attributable to the firm or corporation, said SUSPENSION OR revocation may be deemed just cause for SUSPENSION OR revocation of the certificates of all or any other principals or officers of the firm or corporation.

E. The board shall immediately notify the secretary of state and clerk of the board of supervisors of each county in the state of the SUSPENSION OR revocation of certificate or of the reissuance of a SUSPENDED OR revoked certificate.

Section 22. Section 32-129, Arizona Revised Statutes

NO CHANGE

Section 23. Section 32-141, Arizona Revised Statutes, is amended to read:

32-141. Firm or corporate practice

A. No firm or corporation shall engage in the practice of architecture, assaying, geology, engineering, landscape architecture, or land surveying unless the work is under the full authority and responsible charge of a registrant, who is also principal of the firm or officer of the corporation.

B. Firms or corporations shall identify responsible registrants. Each firm and corporation shall file with the board ON A FORM PRESCRIBED BY THE BOARD a list of responsible principals or officers, their registration certificate numbers and a description of the services the firm or corporation is offering to the public. The board shall be notified IN WRITING ON THE PRESCRIBED FORM WITHIN THIRTY DAYS of the change occurring in the list of principals or responsible corporate officers.

*Amend  
Section  
- Day*

Section 24. Section 32-142, Arizona Revised Statutes

NO CHANGE

Section 25. Section 32-143, Arizona Revised Statutes

NO CHANGE

Section 26. Section 32-144, Arizona Revised Statutes

~~NO CHANGE~~ or the board may wish to consider changes to Subsection A, Paragraphs 3 and 4 along the following lines (NOTE: City of Flagstaff officials expressed concern over what they consider the unreasonably low cost figures, given inflation - changes in dollar amounts are arbitrary):

3. A nonregistrant who designs a building or structure, the cost of which does not exceed ~~fifty~~ SEVENTY-FIVE thousand dollars, or who designs alterations to any one single story building, the cost of which does not exceed ~~fifteen~~ TWENTY thousand dollars, or who designs a DETACHED single family dwelling or additions or alterations to such dwelling.

4. A nonregistrant who designs a water or wastewater treatment plant, or extensions, additions, modifications or revisions, or extensions to water distribution or collection systems, if the total cost of such construction does not exceed two FIVE thousand five hundred dollars.

Section 27. Section 32-145, Arizona Revised Statutes

NO CHANGE

any... that his... of the... other... qualified...

3. A land surveyor shall not affix his signature or seal to any plan or document... subject matter in which he takes... of adoption or execution... document was prepared under his direct supervisory control.

4. If a land surveyor has any business association or direct or indirect financial interest which could reasonably be thought substantial enough to influence his judgment in connection with his performance of professional services, the land surveyor shall immediately disclose, in writing, to his client or employer the nature of the business association or financial interest.

5. A land surveyor shall perform professional services in accordance with the latest "Manual of Surveying Instructions" as issued by the U.S. Department of the Interior, Bureau of Land Management, and the "Minimum Standard Detail Requirements for Land Surveys" as specified in Article...

A. Registrant land surveyors shall comply with the following standards:

1. In performing professional services, a land surveyor shall exercise due care and, in so-doing, shall apply the technical knowledge and skill which is ordinarily applied by land surveyors of good standing, practicing in the same locality.

2. A land surveyor may take an assignment requiring education or experience outside of his own field of competence but only to the extent that his services are restricted to those phases of the project in which he is qualified. All other phases of the project shall be performed by qualified associates, consultants or employees.

3. A land surveyor shall not affix his signature or seal to any plan or document dealing with subject matter in which he lacks competence by virtue of education or experience nor to any such plan or document not prepared under his direct supervisory control.

4. If a land surveyor has any business association or direct or indirect financial interest which could reasonably be thought substantial enough to influence his judgment in connection with his performance or professional services, the land surveyor shall immediately disclose, in writing, to his client or employer the nature of the business association or financial interest.

5. A land surveyor shall perform professional services in accordance with the latest "Manual of Surveying Instructions" as issued by the U.S. Department of the Interior, Bureau of Land Management, and the "Minimum Standard Detail Requirements for Land Surveys" as specified in Appendix \_\_\_\_.

6. If employed to interpret land survey contract documents or to judge contract performance, a land surveyor shall render decisions impartially and without bias to any party.

B. Failure to substantially comply with the provisions of this section shall be deemed to be evidence of gross negligence, misconduct, or professional incompetence.

- William B. Smith, Secretary
- John Brown, Member
- Major G. Carley, Member
- Earl L. Smith, Asst. Attorney General
- Earl E. Hall, Executive Director
- Ernest McLaughlin, Enforcement Officer
- Herbert C. Jones, Administrative Secretary

The board constituted a quorum.

EXECUTIVE SESSION - Confidential and Legal Adv.

A motion was made and carried to go into executive session and at the end of executive session the board went into open session.

RESOLUTIONS

19. Robert Edgar White - A motion was made by Mr. Brown and seconded by Mr. Smith that Mr. White be allowed to take the structural engineering exam. Notice carried. Mr. Smith's abstained.

20. Donald E. Avery - A motion was made by Mr. Smith and seconded by Mr. Brown that the board refer a possible criminal violation to the Attorney General in the case of Mr. Donald E. Avery. Notice carried.

21. A motion was made by Mr. Smith and seconded by Mr. Brown that Mr. Avery's application for assistance to the October 30 examination be denied on the basis of an incomplete file. Notice carried.

BY RESOLUTION

The Executive Director discussed established licensing advisory committees. Mr. Smith said we felt it would be a good idea to proceed with the establishment of the licensing advisory committees now, rather than waiting until the rules are fully promulgated. Their function would be to act as a preliminary review committee for applications. A motion by Mr. Smith was made and seconded by Mr. Brown that licensing advisory committees be formed for all disciplines.

Mr. Smith stated that the board contains the authority of requiring a verified statement of one year high school graduation to be filed in connection with application before an application will be considered unless the individual certifies that he is not claiming any credit for education as part of his application. Moved by Mr. Smith. Notice carried.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION  
SPECIAL MEETING

October 26, 1981

Chairman Charles E. O'Bannon called for the Special Board meeting to begin at 2:00 p.m., October 26, 1981, in Room 315, 1645 W. Jefferson, Phoenix, Arizona.

PRESENT: Charles E. O'Bannon, Chairman  
Jimmie R. Nunn, Vice-Chairman  
William S. Gookin, Secretary  
Silas Brown, Member  
Wayne O. Earley, Member

Gary L. Sheets, Asst. Attorney General  
Judi E. Ross, Executive Director  
Bruce Rosenhan, Enforcement Officer  
Margaret Holmes, Administrative Secretary

Those present constituted a quorum

1. EXECUTIVE SESSION - Confidential and Legal Advice

A motion was made and carried to go into executive session and at the end of executive session the Board went into open session.

2. APPLICATIONS

(1) Mahood Akbar Malik: A motion was made by Mr. Brown and seconded by Mr. Nunn that Mr. Malik be allowed to take the structural engineering exam. Motion carried. Mr. Gookin abstained.

(2a) Ronald R. Avery: A motion was made by Mr. Gookin and seconded by Mr. Nunn that the Board refer a possible criminal violation to the Attorney General on the case of Mr. Ronald R. Avery. Motion carried.

(2b) A motion was made by Mr. Gookin and seconded by Mr. Nunn that Mr. Avery's application for admittance to the October 29 examination be denied on the basis of an incomplete file. Motion carried.

3. NEW BUSINESS

The Executive Director discussed establishing licensing advisory committees, and stated that she felt it would be a good idea to proceed with the establishment of the licensing advisory committees now, rather than waiting until the rules have been promulgated. Their function would be to act as a preliminary review mechanism for application. A motion by Mr. Nunn was made and seconded by Mr. Brown that licensing advisory committees be formed for all disciplines. Motion carried.

Mr. Gookin moved that the Board continue its policy of requiring a verified transcript of any post high school graduation education to accompany an application before an application will be considered unless the individual specifies that he is not claiming any credit for education as part of his application. Second by Mr. Nunn. Motion carried.

Mr. Nunn moved that the Executive Director proceed, as soon as possible, with the letters of verification of former employment for the applicants. Seconded by Mr. Gookin. Motion carried.

Mr. Gookin moved that the meeting be adjourned, Mr. Nunn seconded the motion. Motion carried.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

5283

SPECIAL MEETING

NOVEMBER 5, 1981

A Special Meeting of the State Board of Technical Registration, held at Room 315, Occupational Licensing Building, 1645 W. Jefferson, Phoenix, Arizona was called to order by Chairman Charles E. O'Bannon at 10:00 am.

PRESENT: Charles E. O'Bannon, Chairman  
Jimmie R. Nunn, Vice-Chairman  
William S. Gookin, Secretary  
Silas C. Brown, Member  
Hector C. Durand, Member  
Wayne O. Earley, Member  
Patricia J. Finley, Member  
Stewart R. Palmer, Member  
John B. Riggs, Member

Gary L. Sheets, Asst. Attorney General  
Judi E. Ross, Executive Director  
Bruce Rosenhan, Enforcement Officer  
Margaret E. Holmes, Administrative Secretary

Those present constituted a quorum.

I. EXECUTIVE SESSION

Motion was made and carried to convene in Executive Session. At the conclusion of the Executive Session, the Board reconvened in open session.

II. LAND SURVEYOR CRITERIA

Chairman O'Bannon explained in open session that, on advice of counsel, a Special Evaluation Committee of Land Surveyors of the State Board had met and proposed a set of standards, including education and experience criteria, that would be acceptable to qualify an individual for licensing in the State of Arizona. Copies of the proposed criteria were distributed to the public. Chairman O'Bannon explained how the proposed draft was developed and entertained a motion that the draft be accepted as the criteria. It was moved by Mr. Gookin and seconded by Mr. Durand, that the land surveying criteria be adopted on an interim basis until the rules were adopted and approved. Two suggested changes were made: one to change "cadastral" to "boundary" surveying and to change the wording from "education or experience" to "education or experience or both."

Mr. Durand expressed his reservations about the criteria as they were presented. Two areas with which he was not in complete agreement were: (1) the educational experience creditable and (2) the 24 months allowed for construction surveying. Mr. Durand felt 12 months for construction surveying would be more appropriate. Mr. Gookin stated that to fail to credit construction surveying would be to reduce it to a non-professional activity.

Mr. Sheets stated that if the Board were to change the criteria that the evaluation committee developed, the Board would have to re-evaluate the applications. He would not advise that in view of the legal ramifications previously discussed.

The Board members discussed the criteria as proposed (page 5290 of these minutes)

Chairman O'Bannon opened up the meeting to any member of the public who would like to speak to the new criteria.

Mr. Jeff Andrews, Arizona Professional Land Surveyors: Stated that the experience criteria, by including construction staking at all was not consistent with the present statutory definition of the land surveyor. The Board should completely strike construction surveying as an active engagement in land surveying. Construction surveying is surveying within given boundaries, and it can be assumed that those boundaries have already been established. There is no need to have any professional registration to do construction staking. That is not the existing conditions today. Construction staking should not be used as a criterion for evaluating land surveyors.

Mr. James Mueller, Attorney with Greengard and Mueller, representing the Arizona Professional Land Surveyors: Expressed concern with the entire issue with respect to the Board's duty to obtain what it feels is a definitive statement as to the requirement that the Board act with a certain amount of discretion. The Arizona Society of Professional Land Surveyors believed that the Board was acting within legal opinion rendered by the Assistant Attorney General. They felt that the opinion that had been rendered operated to effectively de-regulate the profession of land surveying without legislation or actually by action of the Board.

Mr. Durand requested that we table the motion until we get the input from the attorney that is representing the Arizona Land Surveyors with respect to this criteria and land surveying in general. Second by Mr. Nunn. Motion passed.

Mr. Sheets discussed the examination issue. After careful review of the law, the Attorney General determined that there was no authority to examine land surveyors across the Board. He reaffirmed the Board's previously adopted position that until the Board gets clear statutory authority to examine land surveyors, it cannot examine them, except on an individual basis. Land Surveyors should go to the legislature and propose that the Board be allowed to examine land surveyors. Mr. Mueller stated that the Board could go to the Superior Court of the State of Arizona and ask for declaratory relief, declaring whether or not, in the court's opinion, under the statutory structure which exists today, the Board has the power to test land surveyors. He went on to state that their research would support the position that the Board does have the authority to examine land surveyors and that the Board should go to the courts and get their opinion on this issue instead of relying on the Board's attorney.

Mr. Patrick Neal, applicant for registration as a land surveyor: Stated his feelings regarding his application, that his experience was sufficient for the Board for approval, and that he was simply asking for some kind of due process.

Mr. Andrews: Discussed the granting of registration to the applicants today. He noted that if the Board did grant registration without the applicants taking a test, it was going to make the other registrants unhappy, since they had to take a test. The reciprocity provision for granting of registration would become a problem, since individual candidates who become licensed here would be denied licensing by reciprocity in other states and would then be required to go through very expensive testing procedures in those states.

Mr. Sheets stated that he had advised the Board in July that there were in possible violation. No registrations have been granted, but these applicants are entitled to licenses, and any further delay is not the solution to the problem.

Chairman O'Bannon reviewed the advice that the Board received from legal counsel and the opposite view that the Board should not license without examination and noted that the Board must take some action.

Mr. Sheets stated that there needs to be a motion to license the people that are on the list.

Mr. Durand moved that we go to the original motion that was tabled regarding the experience criteria for land surveyors. Seconded by Mr. Gookin. Motion was made to reconsider the original motion. Motion carried.

Mr. Earley moved to adopt the land surveying criteria as amended. Mr. Gookin seconded the motion. Mr. Durand went on record to oppose using 24 months of construction surveying as shown on the criteria since it would reduce the surveyor to a technician. Mr. Nunn stated he would oppose Mr. Durand's comments since in all of our categories and disciplines we grant experience credit for very menial tasks, and he does not see any objections on some experience credits.

Dan White, Arizona Society of Professional Land Surveyors: Spoke against that motion allowing construction surveying as part of that criteria inasmuch as it would dilute the effectiveness of registration if an applicant is given 24 months of experience. Chairman O'Bannon stated that we are not trying to dilute any profession, but that we are trying to set up a criteria that is a reasonable compromise between reasonable men. The intention was to outline a reasonable list of requirements that would be necessary to be licensed as a land surveyor. He called for the question.

Mr. Durand moved to amend the motion to have the criteria read 12 instead of 24 months under construction surveying. Mr. Earley seconded it.

Mr. Nunn asked Mr. Sheets if the criteria should have been approved and adopted before the Board reviewed any applicant. Mr. Sheets stated that the Board authorized the Committee to establish criteria and evaluate the credentials of applicants. The Committee has presented the Board its list of recommendations as well as its criteria, and the Board can approve both today.

Mr. Earley called for the question on the amended motion that changed the criteria on construction surveying from 24 months to 12 months. Motion failed 5-

The question was called on the original motion to accept the land surveying criteria as amended (cadastral to boundary; education or experience to education, or experience or both). The motion carried and the criteria were adopted.

### III. REPORT OF SPECIAL LAND SURVEYING/ENGINEERING EVALUATION COMMITTEE

Membership: O'Bannon, Chairman; Durand; Gookin

The Special Land Surveying/Engineering Evaluation Committee report of the meeting held on October 14, 1981 is shown on Pages 5291 of these minutes.

Ms. Ross noted that on page . there was a list of applicants that satisfied the

committee, that there was one architect on the list that was considered by Mr. Nunn and not the committee. Mr. Earley stated that if we are going to bring up the question of examination we should do it before we vote on granting of registration. Ms. Ross stated that the Board had already acted on August 28, to accept legal counsel and not to examine but to qualify the applicant on the basis of education or experience or both solely. The Board had also acted to refund all examination fees for land surveyors and had done so. Chairman O'Bannon stated that at this time we are prepared to implement this policy by accepting Ms. Ross's report.

Ms. Ross stated that on page 5291 there was a list of applicants that satisfied the committee that there were fully qualified for registration. There were two assayers, the list of land surveyors, one civil engineer and one architect. On Page 5292 there was a list of applicants under #2 that, in fairness to the applicants, the committee recommended that they be asked to submit additional information to clarify their applications. Under #3, there was a list of about 13 applicants who clearly did not meet the criteria, and the committee recommends not granting registration. The first item before the Board now is the adoption of that report.

Mr. Gookin moved that the Special Land Surveying/Engineering Evaluation Committee report be accepted and implemented. Mr. Palmer seconded the motion. Chairman O'Bannon stated that the motion was to accept the list with the stipulations as applied. Chairman O'Bannon explained the motion again for Mr. Durand's clarification. Mr. Durand stated that the application of Gary Lee Hanna, at the October meeting was to be heard by the Board as a whole and evaluated by the Board as a whole and his name should be removed from the list. Mr. Hanna's name was excluded. Chairman O'Bannon called for the question, and it passed 7-1.

Mr. Gookin moved and the motion was seconded by Mr. Riggs, that item, #2 on page of the minutes, listing the applicants who should be held for re-evaluation pending receipt of further information be adopted. Mr. Durand again wanted it noted that the action on this motion is on the advice of the attorney general's office. Motion passed 7-1.

Mr. Gookin moved item #3 containing a list of applicants who should be denied registration for lack of experience of a character satisfactory to the Board. Seconded by Mr. Palmer. Unanimously carried.

The Board went into executive session on a motion by Mr. Durand, seconded by Mr. Gookin. Motion carried. On reconvening in open session, Mr. Nunn moved that the license number assigned to the individuals as shown on page 5295 include the name of Gary Lee Hanna. Seconded by Mr. Riggs. Motion passed by 7-1.

#### IV. REVIEW OF RULES - DRAFT #4

Mr. Sheets discussed the new Draft 4. Mr. Rivers reported to the Board and explained why there had been some changes on the forms to standardize them and

get more information from the applicant. Mr. Sheets stressed that comments received from the different professionals had been incorporated. Mr. Earley suggested that forms and some of the criteria could be policies because of Executive Order 81-3 that requires an economic impact statement. He would like to see the Board, where possible, limit the rules to the very essential. He would like for the Board to be responsible for changing forms if we don't like them and not have the Attorney General involved. Mr. Sheets stated that he would like to do that but if agencies adopt an application form they are in effect adopting a rule and therefore must include that form with the rule. The Secretary of State and the Attorney General have both consistently said that you must include the forms that you are going to use with the packet.

Mr. Gookin commented on three things:

1. Regarding an applicant who has been convicted of a felony: He does not feel that it covers an applicant who is in prison at Florence and would be able to practice as soon as he was released.
2. The requirement that an EIT have completed a 4 year course in the profession in which he is applying. In many cases the applicant takes the EIT while he is still in college. He feels that the certificate should be held up until he finishes college.
3. Requiring an applicant to work X number of years under a registrant. In the federal government you can work 20 years and never work under a registrant. Can that be corrected?

It was moved by Mr. Durand and seconded by Mr. Earley that Draft #4 be reviewed by the Board and discussed at the December meeting. Motion carried. Meeting adjourned until 12:50.

The meeting was called to order at 12:55.

V. REPORT OF THE LEGISLATIVE COMMITTEE

Mr. Palmer turned the meeting over to Ms. Ross so that she could give the Board the report. She stated that by the 15th of November she would need the draft ready to go to the Legislative Counsel. She had talked with the Legislative Counsel and the copy that would be sent to the Counsel would not be the final draft. The Board could send changes. She stated that she would like to have the draft approved at this meeting. Ms. Ross reviewed the report and went over the changes that had been made. A discussion followed and the Board decided what should be added and deleted.

Chairman O'Bannon stated that he personally felt that the housekeeping bill should be as simple as possible, and any hard items should go as a separate bill. Mr. Nunn moved to drop the last two sentences of #18. Seconded by Ms. Finley. Motion failed 4-3.

Mr. Riggs moved that proposed Section B of 32-126 be eliminated. Seconded by Ms. Finley. Motion carried.

Mr. Riggs moved that proposed Section C of 32-126 be deleted; seconded by Ms. Finley. Motion carried 7-2.

Mr. Gookin moved that the number of Board members required for enforcement action be reduced to 5. Seconded by Mr. Nunn. Motion carried.

Ms. Ross was authorized by the Board to send the revised document over to the Legislative Counsel.

Mr. Palmer stated that the Board had received a letter from the Arizona Consulting Engineers suggesting that the number of engineers be increased on the Board and this had not yet been addressed.

Chairman O'Bannon confirmed Mr. Palmer's comment and Mr. Palmer read the letter to the Board. Mr. Palmer moved to increase the number of Board members to 11 with 2 more engineers added to the Board. Seconded by Mr. Gookin. Motion defeated 3-4.

Mr. Gookin moved that the Executive Director make the changes that the Board had recommended before the November 15 deadline for the Legislative Counsel. Seconded by Mr. Nunn. Motion passed unanimously.

VI. BOARD POLICIES

(B) Compensation, Board Members

Ms. Ross discussed the compensation of Board Members. She stated that she has asked the Dept. of Finance for information but we have not received it as yet.

Mr. Durand moved that this discussion be tabled until the December Board meeting. Seconded by Mr. Gookin. Motion passed.

VII. ENFORCEMENT

C23-81 BTR vs. Terry Moore and Ken Kneckerbocker

It was moved by Mr. Nunn and seconded by Mr. Gookin that the case be referred to the Advisory Committee for further study. Motion passed.

C29-80 BTR vs. David M. Niese, C.E. # 8081.

It was moved by Mr. Nunn and seconded by Mr. Gookin that the case be closed with the acceptance of the \$500 fine and signing of the consent agreement. Motion passed.

C37-80 & C95-80 BTR vs. Domenic Capco, E.E. #10883

It was moved by Mr. Nunn and seconded by Mr. Durand that the Board approve the execution of the proposed consent order and appointment of the peer reviewer Mr. Cannon, and that the case remain open until the peer review is completed. Motion passed.

C39-80 & C101-79 BTR vs. David A. Stratton, L.S. #7498

It was moved by Mr. Nunn and seconded by Mr. Riggs that the consent agreement be approved and that the appointment of the peer reviewer, Mr. Rockwell, be approved, and that the case remain open until the peer review is completed. Motion passed.

C106-80 BTR vs. John C. Whitmire, Architect #8296

It was moved by Mr. Nunn and seconded by Mr. Durand that the Board accept the consent agreement and the owners acceptance of the monetary sum and that the case be closed. Mr. Riggs, Mr. Palmer and Mr. Gookin filed conflict of interests. Motion passed.

Press Release

Mr. Sheets stated that the time to release press notices is when the Consent Agreement has been signed. A very simple press release can be done. The press release will cover: C29-80; 37-80; 39-80; 106-80.

Chairman O'Bannon stated that Ms. Ross will handle the press release, and she is to check with the counsel before the press release is placed.

Mr. Sheets requested that the Board entertain a motion to go into executive session so that he may give legal advice concerning the Land Surveying criteria. Moved by Mr. Gookin, seconded by Ms. Finley. Motion passed.

At the conclusion of the Executive Session, the Board reconvened in open session. Chairman O'Bannon recognized Ms. Finley for the purpose of making a motion. Ms. Finley moved that "in view of the pending action for declaratory judgement in Superior Court that we issue no further registrations for Land Surveyors until after a decision has been rendered in that lawsuit." Seconded by Mr. Gookin. Motion passed unanimously. Mr. Sheets recommended "that the minutes reflect that that motion involved only prospective registrations and not registrations that were granted today - no further registrations after today."

Ms. Finley further moved that the Board "authorize our Assistant Attorney General, Gary Sheets, to enter into a stipulation that says exactly what the first motion said, if that stipulation is necessary for this lawsuit." Seconded by Mr. Gookin. Because of the discussion regarding the clarity of the motion, Ms. Finley rephrased the motion as follows: "We authorize Gary, if necessary, to enter into a stipulation on our behalf that we will grant no further licenses from tomorrow on - this does not include the 60-odd licenses that we issued today... a stipulation that we won't grant any further licenses until after the decision has been rendered in Superior Court." Seconded by Mr. Durand. Motion passed unanimously.

LAND SURVEYING CRITERIA

The following education, <sup>as both</sup> and experience criteria were developed and applied by the Special Evaluation Committee meeting on October 14, 1981 to applications for registration as professional land surveyors.

Education:

B.S. Degree in land surveying from a school approved by the Board = 4 years active engagement.

Other scientific degree or education from a school approved by the Board = 75% of time spent in study (i.e. BS in Civil Engineering = 3 years active engagement).

Time spent in teaching land surveying = maximum 1 year active engagement.

Experience:

Field work (rodman, chainman, etc.) = 12 months active engagement

Party chief = 12 months active engagement

Construction <sup>surveying</sup> staking = 24 months active engagement

Boundary <sup>Cadastral</sup> surveying = 36 months active engagement

Office work = 18 months active engagement

Note: While Mr. Durand concurred with these criteria, he reserved the right to revise his opinion.

CIVIL ENGINEER

- Wentz, Arthur G. 81-122
- Johnson, Ernie Perry 80-117

TO: Board of Technical Registration  
 FROM: Special Land Surveying/Assaying/Engineering Evaluation Committee  
 SUBJECT: Evaluation of Applicants

The Special Land Surveying/Assaying/Engineering Committee met on October 14, 1981, in Phoenix, Arizona with the following members present:

C. E. O'Bannon, William Gookin and Hector Durand

- The following applicants satisfied the Committee that they are fully qualified to receive registration in the discipline noted in Arizona under ARS 32-123.A and ARS 32-126 and are hereby recommended for registration:

ASSAYER

Gerring, Margaret 81-418  
 Lindroos, Gary Alvin 81-427

Meddaugh, Daniel Leonard 80-594  
 Mettee, Richard W. 80-322  
 Miller, Robert C. 80-684  
 Muncy, Charles William 80-92  
 Nasland, Don 80-790  
 Neal, Patrick Larry 81-497  
 Nebrich, John Paul 80-541  
 Nelson, Paul Donald, Jr. 81-170  
 Nelson, William Ross 81-135  
 Olsson, Lester T. 81-171  
 Osburn, Andrew H. 80-327  
 Panchalk, John 79-663  
 Postacchini, Giovanni 80-726  
 Risenhoover, Edgar Loren 80-96  
 Robberson, Allen Gregory 77-57  
 Rogers, James Wesley 80-143  
 Stephens, Robert William 81-207  
 Stone, Ross Edward 80-320  
 Taynton, Horace Mason 80-498  
 Temporado, Manuel R. 81-643  
 Thomas, Donald W. 81-569  
 Thomas, Robert Rockwell 80-162  
 Vaughn, Jay Newton 79-89  
 Wickware, Robert Kent 81-100  
 Williams, Stephen H. 80-574  
 Wilson, John Norman 80-804  
 Young, James L. III 81-373  
 Young, Joe B., Jr. 81-052

LAND SURVEYOR

Anderson, Jerry Lee 81-124  
 Aposhian, George Z., Jr. 81-177  
 Barnard, Michael Arthur 80-517  
 Barrie, Donald M. 80-441  
 Beamish, Robert 80-742  
 Beeler, Joseph Newton 81-136  
 Bickman, Richard T. 80-625  
 Bonanotte, Cleto 80-727  
 Bungler, Evart D. 80-575  
 Chavez, Gilbert 80-346  
 Collon, Patrick John 79-21  
 DePrisco, Louis P. 78-504  
 Douglas, Gordon James 81-424  
 Edwards, Neale C. 81-281  
 Eichstadt, Mark Arthur, Sr. 80-058  
 Ewing, Ronald L. 80-813  
 Fannin, Ronnie Lee 80-798  
 Fincher, George Murlin 79-664  
 Fletcher, Charles Otis 80-245  
 Garrett, Raymon Lewis 80-078  
 Gilbert, Kevin Patrick 81-134  
 Gingles, William James, Sr. 77-598  
 Glidden, Roger Dale 80-565  
 Graham, William Tod I 81-092  
 Groff, Jon Arvin 80-140  
 Hanna, Gary Lee 81-091  
 Hornor, David Harold 80-529  
 Houston, William Dobyns 80-383  
 Jerumbo, Ronald Peter 81-090  
 Kainz, Joe Louis 80-681  
 Kroeger, Allison L. 80-725  
 Lee, Ronald 80-683  
 Lynck, James L. 80-141

CIVIL ENGINEER

Clancy, Maclyn B. 81-635

ARCHITECT

Johnson, Craig Merril 80-457

2. The following applicants should be held for reevaluation pending receipt of the information listed below:

Additional Experience and References

Burcham, Marcie Wayne 79-320  
 Fuller, Jerry Douglas 79-762  
 Garcia, Ernest G. 71-148  
 Horacek, Jerry Lee 76-47  
 Latham, James Charles 81-184  
 Lux, Phillip Gregory 80-347  
 Moore, Michael Everett 79-121  
 Payton, Donald Wayne 74-297  
 Pidskalny, Robert Andrew 71-281  
 Reed, Jeffrey Alan 80-462  
 Smith, Romain Harold 72-628  
 Speth, Alan W. 77-644  
 Stairhime, Walter Lee 79-124  
 Stewart, Tommie Gene 78-460  
 Torres, Alfonso 69-77

Clarify Experience

Christman, Gary Leroy 79-391  
 Higgins, Donald Dwight 81-185  
 Nelson, Ragan O'Dell 81-099  
 Standage, Howard Rosse 81-029  
 Swinford, Dee W. 81-251

Clarify Experience; References; Transcript

Hollenbach, Thomas Bernard 79-35

Clarify Experience; Transcript

Idler, Robert Lawrence 81-104

ASSAYER

Transcript

Trujillo, Julio 81-475

3. The following applicants should be denied registration for lack of experience of a character satisfactory to the Board under ARS 32-122.

Acosta, Alex 79-668  
 Delbridge, Randy Scott 80-377  
 Domler, Joseph Alphonse 80-721  
 Gomeau, George Joseph 80-318  
 Greene, Dale Alan 80-163  
 Hosman, Paul Stuart 80-161  
 LeMon, Thomas G. 80-90

Lugo, Fidel C. 81-446  
 Mason, Reuben 79-675  
 Monteverde, Armando A. 81-549  
 Pool, William Gordon 80-491  
 Poor, Richard Kevin 81-225  
 Reece, Alan David 81-473

ASSAYER

Gerring, Margaret 81-418  
Lindroos, Gary Alvin 81-427

LAND SURVEYOR

Anderson, Jerry Lee 81-124  
Aposhian, George Z., Jr. 81-177  
Barnard, Michael Arthur 80-517  
Barrie, Donald M. 80-441  
Beamish, Robert 80-742  
Beeler, Joseph Newton 81-136  
Bickman, Richard T. 80-625  
Bonanotte, Cleto 80-727  
Bunger, Evert D. 80-575  
Chavez, Gilbert 80-346  
Collon, Patrick John 79-21  
DePrisco, Louis P. 78-504  
Douglas, Gordon James 81-424  
Edwards, Neale C. 81-281  
Eichstadt, Mark Arthur, Sr. 80-058  
Ewing, Ronald L. 80-813  
Fannin, Ronnie Lee 80-798  
Fincher, George Murlin 79-664  
Fletcher, Charles Otis 80-245  
Garrett, Raymon Lewis 80-078  
Gilbert, Kevin Patrick 81-134  
Gingles, William James, Sr. 77-598  
Glidden, Roger Dale 80-565  
Graham, William Tod I 81-092  
Groff, Jon Arvin 80-140  
Hanna, Gary Lee 81-091  
Hornor, David Harold 80-529  
Houston, William Dobyms 80-383  
Jerumbo, Ronald Peter 81-090  
Kainz, Joe Louis 80-681  
Kroeger, Allison L. 80-725  
Lee, Ronald 80-683  
Lynck, James L. 80-141

Meddaugh, Daniel Leonard 80-594  
Mettee, Richard W. 80-322  
Miller, Robert C. 80-684  
Muncy, Charles William 80-92  
Nasland, Don 80-790  
Neal, Patrick Larry 81-497  
Nebrich, John Paul 80-541  
Nelson, Paul Donald, Jr. 81-170  
Nelson, William Ross 81-135  
Olsson, Lester T. 81-171  
Osburn, Andrew H. 80-327  
Panchalk, John 79-663  
Postacchini, Giovanni 80-726  
Risenhoover, Edgar Loren 80-96  
Robberson, Allen Gregory 77-57  
Rogers, James Wesley 80-143  
Stephens, Robert William 81-207  
Stone, Ross Edward 80-320  
Taynton, Horace Mason 80-498  
Temporado, Manuel R. 81-643  
Thomas, Donald W. 81-569  
Thomas, Robert Rockwell 80-162  
Vaughn, Jay Newton 79-89  
Wickware, Robert Kent 81-100  
Williams, Stephen H. 80-574  
Wilson, John Norman 80-804  
Young, James L. III 81-373  
Young, Joe B., Jr. 81-052

CIVIL ENGINEER

Clancy, Maclyn B. 81-635

ARCHITECT

Johnson, Craig Merril 80-457

REGISTRATION DENIED

It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_  
that the Land Surveyor applicants listed below be denied registration for lack  
of experience of a character satisfactory to the Board under A.R.S. 32-122 A  
with refunds as shown.

Acosta, Alex	79-668	Lugo, Fidel C.	81-446
Delbridge, Randy Scott	80-377	Mason, Reuben	79-675
Domler, Joseph Alphonse	80-721	Monteverde, Armando A.	81-549
Gomeau, George Joseph	80-318	Pool, William Gordon	80-491
Greene, Dale Alan	80-163	Poor, Richard Kevin	81-225
Hosman, Paul Stuart	80-161	Reece, Alan David	81-473
LeMon, Thomas G.	80-90		

It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_  
that the Land Surveyor applicants listed below needed the following:

Additional Experience  
and References

Burcham, Marcie Wayne	79-320
Fuller, Jerry Douglas	79-762
Garcia, Ernest G.	71-148
Horacek, Jerry Lee	76-47
Latham, James Charles	81-184
Lux, Phillip Gregory	80-347
Moore, Michael Everett	79-121
Payton, Donald Wayne	74-297
Pidskalny, Robert Andrew	71-281
Reed, Jeffrey Alan	80-462
Smith, Romain Harold	72-628
Speth, Alan W.	77-644
Stairhime, Walter Lee	79-124
Stewart, Tommie Gene	78-460
Torres, Alfonso	69-77

Clarify Experience

Christman, Gary Leroy	79-391
Higgins, Donald Dwight	81-185
Nelson, Ragan O'Dell	81-099
Standage, Howard Rosse	81-029
Swinford, Dee W.	81-251

Clarify Experience; References;  
Transcript

Hollenbach, Thomas Bernard	79-35
<u>Clarify Experience; Transcript</u>	
Idler, Robert Lawrence	81-104

ASSAYER

Transcript

Trujillo, Julio	81-475
-----------------	--------

MOTION: It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the following applicants have completed all requirements for registration and that registration be granted. Motion carried.

ARCHITECT

Anderson, Clark Lynn	13972
Anderson, Harold B.	13973
Barrass, Keith Richard	13974
Boehm, David P.	13975
Campbell, Gary Alan	13976
Fortney, Dorian Fey	13977
Foster, Donald Wayne	13978
Fredrikson, Douglas Wayne	13979
Hammervold, Robert J.	13980
Kilgore, Karl Manford	13981
King, Gary Duane	13982
Lusardi, Stanley Ray	13983
Mather-Boehm, Deborah K.	13984
Nickerson, Edwin Walter	13985
O'Leary, Michael Gary	13986
Paul, Eric Bradford	13987
Reuter, Thomas Eugene	13988
Shapiro, David Lawrence	13989
Siek, William Vincent	13990
Stroh, Douglas Donald	13991
Godfrey, Preston Noel	13993

ARCHITECT-IN-TRAINING

Bogott, Mark Lawrence	349
Bohning, Scott A.	350
Chonka, John	351
Click, Larry James	352
Coor, Robert Bryan	353
Franz, Richard David	354
Gallegos, Philip Robert	355
Harris, Jon McAllister	356
Hitchens, Gregory L.	357
Larsen, William F.	358
Lee, Dennis Gordon	359
Leibsohn, Eric	360
Ludwig, John Peter	361
Lutgendorf, Robert R.	362
Maher, Joseph S., Jr.	363
Mullins, Paul Michael	364
Murphy, Neil Egly	365

ARCHITECT-IN-TRAINING - Cont'd.

Pang, Yin Ka	366
Parks, Karyn A.	367
Price, Janice J.	368
Quinto, Elizabeth Falk	369
Rodriguez, Tony F.	370
Rolnizky, Rony	371
Rumsey, Brian Frederick	372
Sheely, William	373
Singer, Robert P.	374
Staehle, Robert Alfred	375
Stall, James Patrick	376
Taylor, William Roger	377
Wagner, Paul Walter	378
Williams, Gregg Scott	379
Wilson, David A.	380
Wulf, Verner W.	381

STRUCTURAL ENGINEER

Ihde, Glenn M.	13992
----------------	-------

STEWART R. PALMER CONSULTING ENGINEERS INC.



15296

October 30, 1981

RECEIVED  
NOV - 2 1981  
TECHNICAL DEPARTMENT

Gentlemen:

Enclosed is a copy of the revised Arizona Statues.  
Please study it as it will be reviewed at our next board  
meeting, Thursday, November 5, 1981.

Sincerely;

DICK

Stewart R. Palmer

/dw

RELATING TO THE STATE BOARD OF TECHNICAL REGISTRATION; AMENDING SECTIONS OF THE ARIZONA REVISED STATUTES.

5297

Be in enacted by the Legislature of the State of Arizona:

Section 1. Section 32-101, Arizona Revised Statutes, is amended to read:

32-101. Purpose; definitions

A. The purpose of this chapter is to provide for the safety, health and welfare of the public through the promulgation and enforcement of standards of qualification for those individuals licensed and seeking licenses pursuant to this chapter.

B. In this chapter, unless the context otherwise requires:

1. "Architect" means a person who, by reason of his knowledge of the mathematical and physical sciences, and the principals of architecture and architectural engineering acquired by professional education and practical experience, is qualified to engage in the practice of architecture as attested by registration as an architect.

2. "Architect-in-training" means a candidate for registration as a professional architect who is a graduate of a school approved by the board as of satisfactory standing or who has <sup>FOUR</sup> FIVE YEARS OR MORE OF EDUCATION OR <sup>OR BOTH</sup> experience ~~as outlined in the current standards of the nations council of architectural registration boards in architectural work of a character satisfactory~~ WHICH MEETS STANDARDS SPECIFIED BY <sup>IN ITS RULES</sup> the board. In addition, the candidate shall have successfully passed the ARCHITECTS-IN-TRAINING examination ~~in the basic architectural subjects. -- Upon completion of the prerequisite years of training and experience in the field of architecture under the supervision of a professional architect satisfactory to the board, the architect--~~ in-training shall be eligible for the second stage of the prescribed examination for registration as a professional architect <sup>BOARD IN ITS RULES</sup> SPECIFIED BY THE

3. "Architectural practice" means any service or creative work requiring architectural education, training and experience, and the

5298

application of the mathematical and physical sciences and the principles of architecture and architectural engineering to such professional services or creative work as consultation, evaluation design and review of construction for conformance with contract documents and design, in connection with any building, planning or site development. A person shall be deemed to practice or offer to practice architecture who in any manner represents himself to be an architect, or holds himself out as able to perform any architectural service or other services recognized by educational authorities as architecture.

4. "Assayer" means a person who analyzes metals, ores, minerals, or alloys in order to ascertain the quality of gold or silver or any other substance present in them.

5. "ASSAYER-IN-TRAINING" MEANS A CANDIDATE FOR REGISTRATION AS A PROFESSIONAL ASSAYER WHO IS A GRADUATE OF A SCHOOL APPROVED BY THE BOARD AS OF SATISFACTORY STANDING <sup>AND IN A CURRICULUM APPROVED BY THE BOARD IN ITS RULES AS PERTINENT TO THE PRACTICE OF</sup> OR WHO HAS FOUR YEARS OR MORE OF <sup>ASSAYING</sup> EDUCATION OR EXPERIENCE <sup>OR BOTH</sup> IN ASSAYING WORK WHICH MEETS STANDARDS SPECIFIED BY THE BOARD <sup>IN ITS RULES</sup>

6. "ASSAYING PRACTICE" MEANS ANY SERVICE OR WORK REQUIRING ASSAYING EDUCATION, TRAINING, AND EXPERIENCE, AND THE APPLICATION OF SPECIAL KNOWLEDGE OF THE MINERAL SCIENCES TO SUCH PROFESSIONAL SERVICES AS CONSULTATION AND THE EVALUATION OF MINERALS.

7. "Board" means the state board of technical registration.

8. "BONA FIDE EMPLOYEE" MEANS AN INDIVIDUAL WORKING UNDER THE DIRECT SUPERVISION OF THE REGISTRANT AND RECEIVING <sup>SOME FORM OF</sup> COMPENSATION FROM SAID REGISTRANT AND WHOSE WORK PRODUCT SHALL BE THE RESPONSIBILITY OF THE REGISTRANT.

9. "Engineer" means a professional engineer who, by reason of special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, <sup>acquired</sup> by professional education and practical experience, is qualified to practice engineering as attested by his registration as professional engineer.

10. "Engineer-in-training" means a candidate for registration as a professional engineer who is a graduate in an approved engineering curriculum of four years or more of <sup>A</sup> school approved by the board as of satisfactory standing, or who has had four years or more of EDUCATION OR experience <sup>OR BOTH</sup> in engineering work of a character satisfactory to WHICH MEETS STANDARDS SPECIFIED BY the board <sup>IN ITS RULES</sup> and, In addition, has successfully- THE CANDIDATE SHALL HAVE passed the ENGINEERING IN TRAINING examination SPECIFIED BY THE <sup>BOARD IN ITS RULES</sup> ~~RULES OF THE BOARD~~. In the basic engineering subjects, - and who, - upon completion of the requisite years of training and experience in engineering under the supervision of a professional engineer satisfactory to the board, - is eligible for the second stage of the prescribed examination for registration as a professional engineer. ~~employer engaged in the business of developing, mining~~

10. "Engineering practice" means any professional service or creative work requiring engineering education, training and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, research investigation, evaluation, planning, surveying, design, location, development, and review of construction for conformance with contract documents and design, in connection with any public or private utility, structure, building, machine, equipment, process, work or project. Such services and work include plans and designs relating to the location, development, mining and treatment of ore and other minerals. A person shall be deemed to practicing or offering to practice engineering if he practices any branch of the profession of engineering, or by verbal claim, sign, advertisement, letterhead, card or any other manner represents himself to be a professional engineer, or holds himself out as able to perform or does perform any engineering service or other service recognized by educational authorities as engineering. A person employed on a full time basis as an engineer by an employer engaged in the business of developing, mining and treating

ores and other minerals shall not be deemed to be practicing engineering for the purposes of this chapter if he engages in the practice of engineering exclusively for and as an employee of such employer and does not hold himself out and is not held out as available to perform any engineering services for persons other than his employer. 5300

12. "Geologist" means a person, not of necessity an engineer, who by reason of his special knowledge of the earth sciences and the principles and methods of search for an appraisal of mineral or other natural resources acquired by professional education and practical experience is qualified to practice geology as attested by his registration as a professional geologist. A person employed on a full time basis as a geologist by an employer engaged in the business of developing, mining or treating ores and other minerals shall not be deemed to be engaged in "geological practice" for the purposes of this chapter if he engages in geological practice exclusively for and as an employee of such employer and does not hold himself out and is not held out as available to perform any geological services for persons other than his employer.

13. "Geologist-in-training" means a candidate for registration as a professional geologist who is a graduate of a school approved by the board of satisfactory standing or who has had four years or more of <sup>OR BOTH</sup> EDUCATION OR experience in geological work of a character-satisfactory <sup>IN ITS RULES</sup> to WHICH MEETS STANDARDS SPECIFIED BY the board. In addition, the candidate shall have successfully passed the GEOLOGIST-IN-TRAINING examination SPECIFIED BY THE <sup>BOARD IN ITS RULES</sup> ~~RULES OF THE BOARD EXAMINATION IN THE BASIC GEOLOGY SUBJECTS~~ in the ~~basic geology subjects.~~ Upon completion of the requisite years of training and experience in the field of geology under the supervision of a professional geologist satisfactory to the board, the geologist-in-training shall be eligible for the second stage of the prescribed examination for registration as a professional geologist.

14. "Geological practice" means any professional service or work <sup>05301</sup> requiring geological education, training, and experience, and the application of special knowledge of the earth sciences to such professional services as consultation, evaluation of mining properties, petroleum properties, and ground water resources, professional supervision of exploration for mineral natural resources including metallic and non-metallic ores, petroleum, and ground water, and the geological phase of engineering investigations.

15. "Landscape architect" means a person who, by reason of his professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture as attested by his registration as a landscape architect.

16. "Landscape architect-in-training" means a candidate for registration as a professional landscape architect who is a graduate of a school approved by the board as of satisfactory standing or who has had four years or more of EDUCATION OR experience <sup>OR BOTH</sup> in landscape architectural work of a character satisfactory to WHICH MEETS STANDARDS SPECIFIED BY the board. <sup>IN ITS RULES</sup> In addition, the candidate shall have successfully passed the LANDSCAPE-IN-TRAINING examination SPECIFIED BY <sup>BOARD IN ITS RULES</sup> ~~THE RULES OF THE BOARD~~ in the basic landscape architectural subjects. Upon completion of the prerequisite years of training and experience in the field of landscape architecture under the supervision of a professional landscape architect satisfactory to the board, the landscape architect-in-training shall be eligible for the second stage of the prescribed examination for registration as a professional landscape architect.

17. "Landscape architectural practice" means the performance of professional services such as consultations, investigation, reconnaissance, research, planning, design, or reasonable supervision in connection with the development of land and incidental water area where, and to the extent that the dominant purpose of such services is

the preservation, enhancement or determination of proper land use, natural land features, ground cover and planting, naturalistic and esthetic values, the settings and approaches to buildings, structures, facilities, or other improvements, natural drainage and the consideration and the determination of inherent problems of the land relating to erosion, wear and tear, light and other hazards. This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this paragraph, but shall not include the making of cadastral surveys or final land plats for official recording or approval, nor mandatorially include planning for governmental subdivisions.

18. "LAND SURVEYING PRACTICE" MEANS A PERSON WHO BY REASON OF HIS KNOWLEDGE OF THE MATHEMATICAL AND PHYSICAL SCIENCES AND THE PRINCIPLES OF LAND SURVEYING AND THE GATHERING OF EVIDENCE, ACQUIRED BY PROFESSIONAL EDUCATION AND PRACTICAL EXPERIENCE, IS QUALIFIED TO PRACTICE LAND SURVEYING AS ATTESTED BY HIS REGISTRATION AS A LAND SURVEYOR. AN ENGINEER REGISTERED UNDER THIS CHAPTER PRIOR TO JULY 1, 1982 WHO HAS KNOWLEDGE OF THE PRINCIPLES OF LAND SURVEYING ACQUIRED BY PROFESSIONAL EDUCATION AND PRACTICAL EXPERIENCE IS QUALIFIED TO PRACTICE LAND SURVEYING. AN ENGINEER REGISTERED SUBSEQUENT TO JULY 1, 1982 SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 32-123.

19. "LAND SURVEYOR-IN-TRAINING" MEANS A CANDIDATE FOR REGISTRATION AS A PROFESSIONAL LAND SURVEYOR WHO IS A GRADUATE OF A SCHOOL APPROVED AND IN A CURRICULUM APPROVED BY THE BOARD IN ITS RULES AS PERTINENT TO THE PRACTICE OF LAND SURVEYING BY THE BOARD AS OF SATISFACTORY STANDING, OR WHO HAS FOUR YEARS OR MORE OF EDUCATION OR EXPERIENCE WHICH MEETS STANDARDS SPECIFIED BY RULES OF THE BOARD. IN ADDITION, THE CANDIDATE SHALL HAVE SUCCESSFULLY PASSED THE LAND SURVEYOR-IN-TRAINING EXAMINATION SPECIFIED BY THE RULES OF THE BOARD.

20. "PRACTICE OF LAND SURVEYING" MEANS THE PERFORMANCE OF, OR OFFERING TO PERFORM, EITHER IN PUBLIC OR PRIVATE CAPACITY, ONE OR MORE OF THE FOLLOWING:

(a) THE MEASUREMENT OF LAND TO DETERMINE CORRECT AREA, CORRECT  
(b) THE ESTABLISHMENT OR REESTABLISHMENT OF LAND BOUNDARIES AND  
THE PLATTING OF LANDS OR SUBDIVIDING OF LANDS. 5303

(c) THE LOCATION, RELOCATION, ESTABLISHMENT OR RE-ESTABLISHMENT OF  
ANY RIGHT-OF-WAY OR EASEMENT BY USE OF THE PRINCIPLES OF LAND  
SURVEYING.

(d) THE DETERMINATION OF THE POSITION OF ANY SUCH MONUMENT OR  
REFERENCE POINT WHICH MARKS A PROPERTY LINE, BOUNDARY OR CORNER.

(e) THE SETTING, RESETTING OR REPLACING OF ANY SUCH MONUMENT OF  
REFERENCE POINT FOR THE PURPOSE OF DETERMINING CORRECT AREA OF LAND,  
CORRECT DESCRIPTION OF LAND OR FOR CONVEYANCING.

ADDITIONALLY, THE PRACTICE OF LAND SURVEYING MAY INCLUDE THE ACT OF  
MEASURING, LOCATING, ESTABLISHING OR REESTABLISHING CORNERS, LINES,  
BOUNDARIES, ANGLES, ELEVATIONS, CONTOURS AND NATURAL OR MAN-MADE  
FEATURES IN THE AIR, ON THE SURFACE OF THE EARTH, WITHIN UNDERGROUND  
WORKINGS AND ON THE BEDS OF BODIES OF WATER, INCLUDING TOPOGRAPHY AND  
THE PREPARATION AND PERPETUATION OF MAPS, PLATS, FIELDS NOTE RECORDS  
AND LAND DESCRIPTIONS THAT REPRESENT SUCH SERVICE OR WORK.

21. "RULES OF THE BOARD" MEANS <sup>CERTIFIED</sup> APPROVED BY-LAWS, RULES AND  
REGULATIONS OF THE BOARD. THESE ARE THE MEANS AND GUIDE LINES FOR THE  
IMPLEMENTATION AND DEFINITION OF POLICY, ENFORCEMENT AND LICENSING.

Section 2. Section 32-106, Arizona Revised Statutes, is amended to  
read:

32-106. Powers and duties

- A. The board shall:
1. Adopt by-laws and rules for the conduct of its meeting and  
performance of duties imposed upon it by law.
  2. Adopt an official seal for attestation of certificates of  
registration and other official papers and documents.
  3. Consider and pass upon applications for registration AND,  
PURSUANT TO STANDARDS ESTABLISHED BY THE RULES OF THE BOARD, HOLD FOR  
EXAMINATION CANDIDATES FOR IN-TRAINING AND PROFESSIONAL REGISTRATION.

1. Hear and pass upon complaints or charges or DELEGATE TO HEARING OFFICERS SUCH RESPONSIBILITIES (OR THE RESPONSIBILITY FOR CONDUCTING SUCH HEARINGS).

5301

5. PURSUANT TO SECTION 32-128, ARIZONA REVISED STATUTES, compel attendance of witnesses, administer oaths, and take testimony concerning all matters coming within its jurisdiction.

6. Keep a record of its proceedings.

7. Keep a register which shall show the date of each application for registration, the name of the applicant, the practice or branch of practice in which the applicant has applied for registration and the disposition of the application.

8. Do other things necessary to carry out the purpose of this chapter.

B. The board shall specify on the certificate of registration and renewal card issued to each registered engineer the branch of engineering in which he has demonstrated proficiency, and authorize him to use the title of registered professional engineer. The board shall decide what branches of engineering shall be thus recognized.

C. The board may hold membership in and be represented at national councils or organizations of proficiencies registered under this chapter and may pay the appropriate membership fees. The board may conduct standard examinations on behalf of national councils, and may establish fees therefore.

D. The board is authorized to employ and pay on a fee basis persons, including full time employees of a state institution, bureau or department, to prepare and grade examinations given to applicants for registration and to fix the fee to be paid for such services. Such employees are authorized to prepare, grade and monitor examinations and perform other services the board authorizes, and to receive payment therefor from the technical registration fund.

The board is authorized to rent necessary office space and pay the cost thereof from the technical registration fund. 17305

F. The board may adopt rules and regulations establishing rules of professional conduct for registrants.

G. The board may require evidence it deems necessary, to establish the continuing competency of registrants as a condition of renewal of licenses.

Section 3. Section 32-110, Arizona Revised Statutes, is amended to read:

32-110 Immunity from personal liability

Members and employees of the board AND MEMBERS OF ADVISORY COMMITTEES AND AGENTS OF THE BOARD are immune from personal liability with respect to acts done and actions taken in good faith within the scope of their authority.

Section 4. Section 32-122, Arizona Revised Statutes, is amended to repealed and a new Section 32-122 is enacted to read:

32-122. Qualifications of applicant

A. AN APPLICANT FOR IN-TRAINING REGISTRATION AS AN ARCHITECT SHALL BE OF GOOD MORAL CHARACTER AND REPUTE; SHALL HAVE GRADUATED FROM A SCHOOL APPROVED BY THE BOARD OF SATISFACTORY STANDING IN THE DISCIPLINE FOR WHICH REGISTRATION IS SOUGHT OR HAVE FIVE YEARS OR MORE OF EDUCATION OR EXPERIENCE IN ARCHITECTURE WHICH MEETS STANDARDS SPECIFIED BY THE BOARD.

B. AN APPLICANT FOR IN-TRAINING REGISTRATION AS AN ASSAYER, ENGINEER, GEOLOGIST, LAND SURVEYOR OR LAND SCAPE ARCHITECT SHALL BE OF GOOD MORAL CHARACTER AND REPUTE; SHALL HAVE GRADUATED FROM A SCHOOL APPROVED BY THE BOARD OF SATISFACTORY STANDING IN THE DISCIPLINE FOR WHICH REGISTRATION IS SOUGHT OR HAVE FOUR YEARS OR MORE OF EDUCATION OR EXPERIENCE IN ASSAYING WHICH MEETS STANDARDS SPECIFIED BY THE BOARD. AN APPLICANT FOR ENGINEER-IN-TRAINING OR

GEOLOGIST-IN-TRAINING WILL BE PERMITTED TO TAKE THE IN-TRAINING EXAMINATION IN THEIR FINAL YEAR OF AN ACCREDITED BACCALAUREATE DEGREE PROGRAMME. 306

C. TO BECOME CERTIFIED AS AN IN-TRAINING REGISTRANT, THE APPLICANT MUST, IN ADDITION TO THE QUALIFICATIONS IN SECTION 32-122 B, PASS THE IN-TRAINING EXAMINATION OF THE RELEVANT DISCIPLINE.

D. AN APPLICANT FOR REGISTRATION AS AN ARCHITECT, ENGINEER, GEOLOGIST OR LANDSCAPE ARCHITECT SHALL BE OF GOOD MORAL CHARACTER AND REPUTE, AND SHALL HAVE ENGAGED ACTIVELY FOR AT LEAST EIGHT YEARS IN ARCHITECTURAL, ENGINEERING, GEOLOGICAL OR LANDSCAPE ARCHITECTURAL EDUCATION OR EXPERIENCE WHICH MEETS STANDARDS SPECIFIED BY THE RULES OF THE BOARD. IN DETERMINING YEARS OF ACTIVE ENGAGEMENT, EACH YEAR OF TEACHING ARCHITECTURAL, ENGINEERING, GEOLOGICAL, OR LANDSCAPE ARCHITECTURAL SUBJECTS AT A SCHOOL APPROVED BY THE BOARD MAY BE CONSIDERED EQUIVALENT TO ONE YEAR OF ACTIVE ENGAGEMENT, UP TO A MAXIMUM OF TWO YEARS (ONE YEAR FOR ARCHITECTURAL). EACH YEAR OF STUDY SATISFACTORILY COMPLETED IN AN ARCHITECTURAL, ENGINEERING, GEOLOGICAL, OR LANDSCAPE ARCHITECTURAL SCHOOL APPROVED BY THE BOARD MAY BE CONSIDERED EQUIVALENT TO ONE YEAR OF ACTIVE ENGAGEMENT, UP TO A MAXIMUM OF FIVE YEARS (SIX YEARS FOR ARCHITECTURAL).

E. AN APPLICANT FOR REGISTRATION AS AN ASSAYER OR LAND SURVEYOR SHALL BE OF GOOD MORAL CHARACTER AND REPUTE, AND SHALL HAVE ENGAGED ACTIVELY FOR AT LEAST SIX YEARS IN ASSAYING OR LAND SURVEYING EDUCATION OR EXPERIENCE WHICH MEETS STANDARDS SPECIFIED BY THE RULES OF THE BOARD IN DETERMINING YEARS OF ACTIVE ENGAGEMENT, EACH YEAR OF TEACHING ASSAYING OR LAND SURVEYING SUBJECTS AT A SCHOOL APPROVED BY THE BOARD MAY BE CONSIDERED EQUIVALENT TO ONE YEAR OF ACTIVE ENGAGEMENT, UP TO A MAXIMUM OF ONE YEAR. EACH YEAR OF STUDY SATISFACTORILY COMPLETED IN AN ASSAYERS OR LANDSURVEYING SCHOOL APPROVED BY THE BOARD MAY BE CONSIDERED EQUIVALENT TO ONE YEAR OF ACTIVE ENGAGEMENT UP TO A MAXIMUM OF 4 YEARS.

5307

F. TO BECOME CERTIFIED AS A REGISTRANT, THE APPLICANT MUST, UNLESS EXEMPTED UNDER THE PROVISIONS OF SECTION 32-126 OR SECTION 32-122 G, ARIZONA REVISED STATUTES, AND IN ADDITION TO THE QUALIFICATIONS IN SECTION 32-122 D OR SECTION 32-122 E, PASS THE QUALIFYING (IN-TRAINING) EXAMINATION AND THE PROFESSIONAL EXAMINATION OF THE RELEVANT DISCIPLINE.

G. THE QUALIFYING (IN-TRAINING) EXAMINATION MAY BE WAIVED BY THE BOARD FOR THOSE APPLICANTS WHO HAVE GRADUATED FROM A SCHOOL APPROVED BY THE BOARD AND WHO HAVE IN ADDITION BEEN ACTIVELY ENGAGED FOR TEN YEARS OR MORE IN THE PRACTICE OF THEIR DISCIPLINE UNDER THE SUPERVISION OF A REGISTRANT OF THEIR DISCIPLINE.

Section 5. Section 32-123, Arizona Revised Statutes, is amended is read:

32-123 Application for registration

A. A person desiring to practice architecture, assaying, engineering, geology, landscape architecture, or land surveying shall make application for registration on a form prescribed by the board, subscribed under oath and accompanied by the application fee. If the evidence submitted satisfies the board that the applicant is fully qualified, PURSUANT TO THE PROVISIONS OF SECTION 32-122 OR 32-126, ARIZONA REVISED STATUTES, to practice the profession for which registration is asked, it shall give him a certificate of registration, signed by the chairman and secretary and attested by the official seal.

B. If in the judgment of the board the applicant has not furnished satisfactory evidence of qualification for registration, PURSUANT TO SECTION 32-122 OR 32-126, ARIZONA REVISED STATUTES, it may require additional data, or may require the applicant to submit to an ADDITIONAL oral or written examination specified by the board-in-its ~~rules and regulations~~ RULES OF THE BOARD.

15308  
c. If the application is denied, the application fee shall be returned, less the cost of considering the application, as determined by the board.

Section 6. Section 32-124, Arizona Revised Statutes, is amended to read:

32-124. Registration, examination and miscellaneous fees

The board shall publish in its rules a schedule of fees for applications, examinations, and such other miscellaneous fees for services rendered as required ~~not to exceed two hundred dollars.~~

Section 7. Section 32-128, Arizona Revised Statutes, is amended to read:

32-128. Revocation of certificate; censure; probation; hearing; notice of finding

A. The board may take disciplinary action against the holder of a certificate under this chapter, charged with the commission of any of the following acts:

1. Fraud or misrepresentation in obtaining a certificate of qualification, whether in the application or qualification examination.
2. Gross negligence, imcompetence, bribery, or other misconduct in the practice of his profession.
3. Aiding or abetting an unregistered person to evade the provisions of this chapter or knowingly combining or conspiring with an unregistered person, or allowing one's registration to be used by an unregistered person or acting as agent, partner, associate or otherwise, of an unregistered person with intent to evade provisions of this chapter.
4. Violation of the rules or regulations of the board.

B. The board shall have authority to make investigations, employ investigators, and conduct hearings AND EMPLOY HEARING OFFICERS to determine whether a license issued under this chapter should be revoked or suspended upon a complaint in writing, under oath, or when the board,

after receiving an oral or written complaint not under oath, makes an investigation into such complaint and determines that there is sufficient evidence to warrant a hearing, on its own motion may direct the secretary to file a verified complaint charging a possessor of a certificate under this chapter, with commission of an offense subject to disciplinary action and give notice of hearing. The board may issue subpoenas for the attendance of witnesses and the production of records pursuant to section 41-1010, subsection A, paragraph 4. The secretary shall then serve upon the accused, by registered mail, a copy of the complaint together with notice setting forth the charge or charges to be heard and the time and place of hearing, which shall not be less than thirty days succeeding the mailing of notice.

C. The accused may appear personally or by his attorney at the hearing and present witnesses and evidence in his defense and he may cross-examine witnesses against him.

D. If seven- SIX or more members of the board find the accused guilty, he may be censured, or placed on probation, and fined an amount not to exceed two thousand dollars or his certificate may be suspended or revoked but may be reissued upon the affirmative vote of seven SIX or more members of the board. Should the certificate of a registrant who is a principal of a firm or executive officer of a corporation be suspended or revoked for cause attributable to the firm or corporation, said SUSPENSION OR revocation may be deemed just cause for SUSPENSION OR revocation of the certificates of all or any other principals or officers of the firm or corporation.

E. The board shall immediately notify the secretary of state and clerk of the board of supervisor of each county in the state of the SUSPENSION OR revocation of certificate or of the reissuance of a SUSPENSION OR revocation certificate.

Section 8. Section 32-141, Arizona Revised Statutes, is amended to read:

A. No firm or corporation shall engage in the practice of architecture, assaying, geology, engineering, landscape architecture, or land surveying unless the work is under the full authority and responsible charge of a registrant, who is also principal of the firm or officer of the corporation.

B. Firms or corporations shall identify responsible registrants. Each firm and corporation shall file with the board ON A FORM PRESCRIBED BY THE BOARD a list of responsible principals or officers, their registration certificate numbers and a description of the services the firm or corporation is offering to the public. The board shall be notified IN WRITING ON THE PRESCRIBED FORM WITHIN THIRTY DAYS of the change occurring in the list of principals or responsible corporate officers.

RELATING TO THE STATE BOARD OF TECHNICAL REGISTRATION; AMENDING CERTAIN SECTIONS OF THE ARIZONA REVISED STATUTES.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 32-101, Arizona Revised Statutes, is amended to read:

32-101. Purpose; definitions

A. The purpose of this chapter is to provide for the safety, health and welfare of the public through the promulgation and enforcement of standards of qualification for those individuals licensed and seeking licenses pursuant to this chapter.

B. In this chapter, unless the context otherwise requires:

1. "Architect" means a person who, by reason of his knowledge of the mathematical and physical sciences, and the principals of architecture and architectural engineering acquired by professional education and practical experience, is qualified to engage in the practice of architecture as attested by registration as an architect.

2. "Architect-in-training" means a candidate for registration as a professional architect who is a graduate of a school approved by the board as of satisfactory standing or who has <sup>FOUR YEARS</sup> ~~EDUCATION~~ OR experience as outlined in the current standards of the national council of architectural registration boards in architectural work of a character satisfactory to the board. In addition, the candidate shall have successfully passed the examination in the basic architectural subjects; Upon completion of the requisite years of training and experience in the field of architecture under the supervision of a professional architect satisfactory to the board, the architect-in-training shall be eligible for the second stage of the prescribed examination for registration as a professional architect.

3. "Architectural practice" means any service or creative work requiring architectural education, training and experience, and the application of the mathematical and physical sciences and the principles of architecture and architectural engineering to such professional services or creative work as consultation, evaluation, design and review of construction for conformance with contract documents and design, in connection with any building, planning or site development. A person shall be deemed to practice or offer to practice architecture who in any manner represents himself to be an architect, or holds himself out as able to perform any architectural service or other services recognized by educational authorities as architecture.

4. "Assayer" means a person who analyzes metals, ores, minerals, or alloys in order to ascertain the quality of gold or silver or any other present in them

5. "ASSAYER-IN-TRAINING" MEANS

6. "ASSAYING PRACTICE" MEANS

7. "Board" means the state board of technical registration.

8. "BONA FIDE EMPLOYEE" MEANS AN INDIVIDUAL WORKING UNDER THE DIRECT SUPERVISION OF A REGISTRANT AND RECEIVING SOME FORM OF COMPENSATION FROM SAID REGISTRANT AND WHOSE WORK PRODUCT SHALL BE THE RESPONSIBILITY OF THE REGISTRANT.

9. "Engineer" means a professional engineer who, by reason of special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, required by professional education and practical experience, is qualified to practice engineering as attested by his registration as a professional engineer.

10. "Engineering practice" means any professional service or creative work requiring engineering education, training and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, research investigation, evaluation, planning, surveying, design, location, development, and review of construction for conformance with contract documents and design, in connection with any public or private utility, structure, building, machine, equipment, process, work or project. Such services and work include plans and designs relating to the location, development, mining and treatment of ore and other minerals. A person shall be deemed to be practicing or offering to practice engineering if he practices any branch of the profession of engineering, or by verbal claim, sign, advertisement, letterhead, card or any other manner represents himself to be a professional engineer, or holds himself out as able to perform or does perform any engineering service, <sup>or other service</sup> or recognized by educational authorities as engineering. A person employed on a full time basis as an engineer by an employer engaged in the business of developing, mining and treating ores and other minerals shall not be deemed to be practicing engineering for the purposes of this chapter if he engages in the practice of engineering exclusively for and as an employee of such employer and does not hold himself out and is not held out as available to perform any engineering services for persons other than his employer.

11. "Engineer-in-training" means a candidate for registration as a professional engineer who is a graduate in an approved engineering curriculum of four years or more of a school approved by the board as of satisfactory standing, or who has had four years or more of EDUCATION OR experience in engineering work of a character satisfactory to the board, and, in addition, has successfully passed the examination in the basic engineering subjects, and who, upon completion of the requisite years of training and experience in engineering under the supervision of a professional engineer satisfactory to the board, is eligible for the second stage of the prescribed examination for registration as a professional engineer.

12. "Geological practice" means any professional service or work requiring geological education, training, and experience, and the application of special knowledge of the earth sciences to such professional services as consultation, evaluation of mining properties, petroleum properties, and ground water resources, professional supervision of exploration for mineral natural resources including metallic and non-metallic ores, petroleum, and ground water, and the geological phase of engineering investigations.

13. "Geologist" means a person, not of necessity an engineer, who by reason of his special knowledge of the earth sciences and the principles and methods of search for an appraisal of mineral or other natural resources acquired by professional education and practical experience is qualified to practice geology as attested by his registration as a professional geologist. A person employed on a full time basis as a geologist by an employer engaged in the business of developing, mining or treating ores and other minerals shall not be deemed to be engaged in "geological practice" for the purposes of this chapter if he engages in geological practice exclusively for and as an employee of such employer and does not hold himself out and is not held out as available to perform any geological services for persons other than his employer.

14. "Geologist-in-training" means a candidate for registration as a professional geologist who is a graduate of a school approved by the boards of satisfactory standing or who has had four years or more of EDUCATION OR experience in geological work of a character satisfactory to the board. In addition, the candidate shall have passed the examination in the basic geology subjects. Upon completion of the requisite years of training and experience in the field of geology under the supervision of a professional geologist satisfactory to the board, the geologist-in-training shall be eligible for the second stage of the prescribed examination for registration as a professional geologist.

15. "Landscape architect" means a person who, by reason of his professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture as attested by his registration as a landscape architect.

16. "Landscape architect-in-training" means a candidate for registration as a professional landscape architect who is a graduate of a school approved by the board as of satisfactory standing or who has had four years or more of EDUCATION OR experience in landscape architectural work of a character satisfactory to the board. in-addition, the-candidate-shall-have-successfully-passed-the-examination-in-the-basic landscape-architectural-subjects.--Upon-completion-of-the-requisite-years-of-training and-experience-in-the-field-of-landscape-architecture-under-the-supervision-of-a-professional-landscape-architect-satisfactory-to-the-board, the-landscape-architect-in-training-shall-be-eligible-for-the-second-stage-of-the-prescribed-examination-for registration-as-a-professional-landscape-architect.

17. "Landscape architectural practice" means the performance of professional services such as consultations, investigation, reconnaissance, research, planning, design, or responsible supervision in connection with the development of land and incidental water areas where, and to the extent that the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and esthetic values, the settings and approaches to buildings, structures, facilities, or other improvements, natural drainage and the consideration and the determination of inherent problems of the land relating to erosion, wear and tear, light and other hazards. This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this paragraph, but shall not include the making of cadastral surveys or final land plats for official recording or approval, nor mandatorially include planning for governmental subdivisions.

18. "LAND SURVEYING PRACTICE" MEANS

19. "Land surveyor" means a person who engages in the practice of surveying tracts of land for the determination of their correct locations, areas, boundaries, and description, for the purpose of conveyancing and recording or for establishment or re-establishment of boundaries and plotting of lands and subdivisions.

20. "LAND SURVEYOR-IN-TRAINING" MEANS

Section 2. Section 32-106, Arizona Revised Statutes, is amended to read:

32-106. Powers and duties

- A. The board shall:
  1. Adopt by-laws and rules for the conduct of its meetings and performance of duties imposed upon it by law.
  2. Adopt an official seal for attestation of certificates of registration and other official papers and documents.
  3. Consider and pass upon applications for registration AND, PURSUANT TO STANDARDS ESTABLISHED BY THE BOARD IN ITS RULES AND REGULATIONS, HOLD FOR EXAMINATION CANDIDATES FOR IN-TRAINING AND PROFESSIONAL REGISTRATION.
  4. Hear and pass upon complaints or charges OR DELEGATE TO AN HEARING OFFICER SUCH RESPONSIBILITY (or THE RESPONSIBILITY FOR CONDUCTING SUCH HEARINGS).
  5. PURSUANT TO SECTION 32-128, ARIZONA REVISED STATUTES, compel attendance of witnesses, administer oaths, and take testimony concerning all matters coming within its jurisdiction.

- 6. Keep a record of its proceedings.
- 7. Keep a register which shall show the date of each application for registration, the name of the applicant, the practice or branch of practice in which the applicant has applied for registration and the disposition of the application.
- 8. Do other things necessary to carry out the purpose of this chapter.
- B. The board shall specify on the certificate of registration and renewal card issued to each registered engineer the branch of engineering in which he has demonstrated proficiency, and authorize him to use the title of registered professional engineer. The board shall decide what branches of engineering shall thus be recognized.
- C. The board may hold membership in and be represented at national councils or organizations of proficiencies registered under this chapter and may pay the appropriate membership fees. The board may conduct standard examinations on behalf of national councils, and may establish fees therefor.
- D. The board is authorized to employ and pay on a fee basis persons, including full time employees of a state institution, bureau or department, to prepare and grade examinations given to applicants for registration and to fix the fee to be paid for such services. Such employees are authorized to prepare, grade and monitor examinations and perform other services the board authorizes, and to receive payment therefor from the technical registration fund.
- E. The board is authorized to rent necessary office space and pay the cost thereof from the technical registration fund.
- F. The board may adopt rules and regulations establishing rules of professional conduct for registrants.
- G. The board may require evidence is deems necessary, to establish the continuing competency of registrants as a condition of renewal of licenses.

Section 3. Section 32-110, Arizona Revised Statutes, is amended to read:

32-110. Immunity from personal liability

Members and employees of the board AND MEMBERS OF ADVISORY COMMITTEES AND AGENTS OF THE BOARD are immune from personal liability with respect to acts done and actions taken in good faith within the scope of their authority.

Section 4. Section 32-122, Arizona Revised Statutes, is repealed and a new Section 32-122 is enacted to read:

32-122. Qualifications of applicant

A. An applicant for in-training registration as an architect, engineer, geologist or landscape architect shall be of good moral character and repute; shall have graduated from a school approved by the board as of satisfactory standing in the discipline for which registration is sought or have four years or more of education or experience in that discipline of a character satisfactory to the board; and shall have successfully passed the examination in the basic subjects of the relevant discipline. Upon completion of the requisite years of training or experience, as specified in subsection B of this section, in the field for which registration is sought and under the supervision of a professional in that field satisfactory to the board, the in-training registrant shall be eligible for the second stage of the prescribed examination for registration as a professional in his field.

B. An applicant for professional registration as an architect, engineer, geologist or landscape architect shall be of good moral character and repute; shall have engaged actively for at least eight years in education or experience in the discipline for which registration is sought, which meets standards specified by the board in its rules and regulations; and, unless exempted under the provisions of Section 32-126, Arizona Revised Statutes, shall have passed both the examination in the basic subjects of the relevant discipline and the second stage of the prescribed examination for registration as a professional in his field. In determining years of active engagement, each year of study completed satisfactorily in an architectural, engineering, geological or landscape architectural school approved by the board may be considered equivalent to one year of active engagement, up to a maximum of five years, and each

year of teaching architectural, engineering, geological or landscape architectural subjects in a school approved by the board may be considered equivalent to a maximum of one year of active engagement.

C. An applicant for in-training registration as an assayer or land surveyor shall be of good moral character and repute; shall have graduated from a school approved by the board as of satisfactory standing and in a curriculum approved by the board as pertinent to the field in which registration is sought or have 4 years or more of education or experience in the relevant field of a character satisfactory to the board; and shall have passed the examination in the basic subjects in that field, if such examination is required pursuant to the rules and regulations of the board. Upon completion of the requisite years of training or experience, as specified in subsection D of this section, in the field for which registration is sought and under the supervision of a professional in that field satisfactory to the board, the in-training registrant shall be eligible for the professional-level examination prescribed for registration as a professional in his field.

D. An applicant for professional registration as an assayer or land surveyor shall be of good moral character and repute; shall have engaged actively for at least six years in assaying or land surveying education or experience which meets standards specified by the board in its rules and regulations; and, unless exempted under the provisions of Section 32-126, Arizona Revised Statutes, shall have passed both the examination in the basic subjects of the relevant field, if required by the board in its rules and regulations, and the professional-level examination prescribed for registration as a professional in his field. In determining years of active engagement, each year of study completed satisfactorily in a school and curriculum approved by the board may be considered equivalent to one year of active engagement, up to a maximum of 4 years, and each year of teaching assaying or land surveying in a school approved by the board may be considered equivalent to a maximum of one year of active engagement.

Section 5. Section 32-123, Arizona Revised Statutes, is amended is read:

32-123. Application for registration

A. A person desiring to practice architecture, assaying, engineering, geology, landscape architecture, or land surveying shall make application for registration on a form prescribed by the board, subscribed under oath and accompanied by the application fee. If the evidence submitted satisfies the board that the applicant is fully qualified, PURSUANT TO THE PROVISIONS OF SECTION 32-122 OR 32-126, ARIZONA REVISED STATUTES, to practice the profession for which registration is asked, it shall give him a certificate of registration, signed by the chairman and secretary and attested by the official seal.

B. If in the judgment of the board the applicant has not furnished satisfactory evidence of qualifications for registration, PURSUANT TO SECTION 32-122 OR 32-126, ARIZONA REVISED STATUTES, it may require additional data, or may require the applicant to submit to an ADDITIONAL oral or written examination specified by the board in its rules and regulations.

C. If the application is denied, the application fee shall be returned, less the cost of considering the application, as determined by the board.

Section 6. Section 32-124, Arizona Revised Statutes, is amended to read:

32-124. Registration, examination and miscellaneous fees

The board shall publish in its rules a schedule of fees for applications, examinations, and such other miscellaneous fees for services rendered as required ~~not to exceed two hundred dollars.~~

Section 7. Section 32-128, Arizona Revised Statutes, is amended to read:

32-128. Revocation of certificate; censure; probation; hearing; notice of finding

A. The board may take disciplinary action against the holder of a certificate

under this chapter, charged with the commission of any of the following acts:

- 1. Fraud or misrepresentation in obtaining a certificate of qualification, whether in the application or qualification examination.
- 2. Gross negligence, incompetence, bribery, or other misconduct in the practice of his profession.
- 3. Aiding or abetting an unregistered person to evade the provisions of this chapter or knowingly combining or conspiring with an unregistered person, or allowing one's registration to be used by an unregistered person or acting as agent, partner, associate or otherwise, of an unregistered person with intent to evade provisions of this chapter.
- 4. Violation of the rules or regulations of the board.

B. The board shall have authority to make investigations, employ investigators, and conduct hearings AND EMPLOY HEARING OFFICERS to determine whether a license issued under this chapter should be revoked or suspended upon a complaint in writing, under oath, or when the board, after receiving an oral or written complaint nor under oath, makes an investigation into such complaint and determines that there is sufficient evidence to warrant a hearing, on its own motion may direct the secretary to file a verified complaint charging a possessor of a certificate under this chapter, with commission of an offense subject to disciplinary action and give notice of hearing. The board may issue subpoenas for the attendance of witnesses and the production of records pursuant to section 41-1010, subsection A, paragraph 4. The secretary shall then serve upon the accused, by registered mail, a copy of the complaint together with notice setting forth the charge or charges to be heard and the time and place of hearing, which shall not be less than thirty days succeeding the mailing of notice.

C. The accused may appear personally or by his attorney at the hearing and present witnesses and evidence in his defense and he may cross-examine witnesses against him.

D. If seven FIVE (or SIX) or more members of the board find the accused guilty, he may be censured, or placed on probation, and fined an amount not to exceed two thousand dollars or his certificate may be suspended or revoked but may be reissued upon the affirmative vote of seven FIVE (or SIX) or more members of the board. Should the certificate of a registrant who is a principal of a firm or executive officer of a corporation be suspended or revoked for cause attributable to the firm or corporation, said SUSPENSION OR revocation may be deemed just cause for SUSPENSION OR revocation of the certificates of all or any other principals or officers of the firm or corporation.

E. The board shall immediately notify the secretary of state and clerk of the board of supervisors of each county in the state of the SUSPENSION OR revocation of a certificate or of the reissuance of a SUSPENDED OR revoked certificate.

Section 8. Section 32-141, Arizona Revised Statutes, is amended to read:

32-141. Firm or corporate practice

A. No firm or corporation shall engage in the practice of architecture, assaying, geology, engineering, landscape architecture, or land surveying unless the work is under the full authority and responsible charge of a registrant, who is also principal of the firm or officer of the corporation.

B. Firms or corporations shall identify responsible registrants. Each firm and corporation shall file with the board ON A FORM PRESCRIBED BY THE BOARD a list of responsible principals or officers, their certificate numbers and a description of the services the firm or corporation is offering to the public. The board shall be notified IN WRITING ON THE PRESCRIBED FORM WITHIN THIRTY DAYS of any change occurring in the list of principals or responsible corporate officers.

TO BE INSERTED  
AS TEXT: Page 24

5317

INSERT I

1. Programming experience in which the candidate has participated in analyzing the client's requirements, ~~and~~ the development of design objectives, space relations and requirements, expansion requirements, design flexibility, and site requirements.
2. Site design experience including the utilization of land, placement of structures, form relationships, traffic patterns, parking facilities, ~~placement~~ of utility systems; analysis of surface and subsurface conditions, ecological requirements, and the requirements of real estate and zoning laws as they pertain to construction.
3. Building design experience including the selection and layout of building systems; structural, mechanical, electrical, civil and interior considerations and design documentation.
4. Experience in the development and design of construction documents including the rendering of architectural, structural and interior drawings; the development of specifications; the development of bidding documents, and the evaluation of bids.
5. Administrative experience including office and field administration, field testing, quotation requests and change orders, cost accounting, and project closeout.

1. Design experience which includes the development and use of sketches, plans, drawings, outlines, <sup>plans</sup> scenes or models which convey the location, arrangement, purpose, appearance, and the nature of the construction or alteration of buildings, structures, works, machines, processes, materials or projects.
2. Experience in the development of specifications for materials, equipment, performance or methods to be used in the construction or alteration of buildings, works, machines, processes, land areas or projects.
3. Investigation and evaluation experience to determine or estimate the merit, effect, efficiency or practicability of a process, method, design or material for a given use.
4. Experience in client consultations.
5. Administrative experience including office and field administration, field testing, quotation requests, change orders, cost accounting, bidding procedures, and project closeout.

To be inserted  
AS "TEXT": page 28

INSERT III

1. Design experience which includes the development and use of sketches, plans, drawings, outlines, schemes or models which convey the use and development of land, plantings, landscaping, settings, approaches to buildings, structures or facilities, traffic patterns, drainage, and erosion patterns.
2. Experience in the development of specifications for materials and methods to be employed for the most efficient and practical land usage.
3. Experience in client consultations.
4. Administrative experience including office and field administration, field testing, quotation requests, change orders, cost accounting, bidding procedures, and project closeout.

To be inserted on page 57.  
(Revised to be inserted as "text":  
to the first of Page 53 saying...")  
1/2, 13

INSERT IV

1. Experience in the analysis of ferrous and non-ferrous metals, minerals, fabrics, and rock or powdered ores.
2. Experience in all phases of fire analysis for the isolation of precious metals including: the identification of sample ores and minerals, pre-weighing sample preparation, use of assaying weights, grit sizing, dehydration, sampling, crushing, mixing, rolling, coning, truncating, quartering, firing, choice and use of fluxes, button processing, cupellation, weighing, parting, and calculation.
3. Experience in wet analysis or titration.
4. Experience in analysis by atomic absorption.
5. Experience in the use of mineral standards.

To be inserted on page 57.  
 (Replaces "Experience directly related to the field of assaying...")

1,2,13

RECEIVED

OCT -8 1981

ERROL FISH

STATE BOARD OF  
TECHNICAL REGISTRATION

P. O. Box 4840  
Mesa, Az. 85201  
Oct. 6, 1981

Mr. Bruce Rosenhan  
Board of Technical Registration  
1645 W. Jefferson Room 315  
Phoenix, Ariz. 85007

Dear Mr. Rosenhan:

With this writing I wish to make formal complaint against Terry L. Moore and Ken L. Knickerbocker, both engineers registered in the State of Arizona. On Sept. 16, 1981 they prepared a report for the Arizona Corporation Commission. This report was used against us in a hearing before the Bankruptcy Court on Sept. 30, 1981. It was to a great degree the false information contained in the report that led the Bankruptcy court to appoint a Trustee, which has resulted in our loss of control of our own company.

The total disregard for truth in this report can easily be established. We request that your office take disciplinary action, not only for our sake, but for the public at large who may be maligned at some future date.

I am enclosing a copy of their report--minus copies of a couple of drawings, which have nothing to do with my complaint. The drawings were on larger than normal paper, and I can produce them if you wish.

The following are a partial list of items that I think were either blatantly false, or at minimum misleading or deceptive. The numbers I am using are also placed on the report for ease of identification.

1. This statement leads one to believe that the Maricopa County Health Dept. never found the plant in compliance. The fact that the subdivisions were built, alone is proof sufficient that the County Health Department was satisfied regularly. The most recent approval by the Health Dept. was in the early months of 1981.

In spite of the numerous hearings that Moor and Knickerbocker have been in, they did not report the fact that Cogent Public Service (CPS) has continually not had sufficient money to make repairs. The definition of the problem mentions nothing of finances. In fact the report mentions nothing of cost estimates to correct the many deficiencies reported. It would seem that an engineering report would be incomplete without cost estimates. This report simply mentions all the negative, but gives no credit for reasons--particularly money.

Mr. Bruce Rosenhan  
Oct. 6, 1981  
Page 2

2. This statement is completely false. There is no 460 volt usage by CPS. The comminutor is wired for 220 volts. 380 is not used in Arizona and probably not in the United States. An electrical engineer was present with the party visiting the plant. They were taking amp readings and taking information concerning the motors. It would have been an easy task to establish the truth on this matter. The fact that it is reported at all the way they did proves the maliciousness of this report.

3. The flow meter was installed according to factory specifications, and has been approved by Maricopa County Health Dept. In what way does it "appear" to be improperly constructed. To make a claim without any supporting information whatsoever seems wild and excessive.

4. "The method of mixing (submersible pumps circulating from one end of the tank to the other) appears to be inadequate." It is clear that several of the submerged motors were burned out and not operable. There was no contention on that matter--due to lack of money. But to say that the method of treatment was inadequate is crazy. How did the plant get approval in the first place? I doubt if they even read the original engineering report which describes the excellent results from using this method of treatment. They appear as if no one but they know anything about engineering.

Evidence of the unusually excellent ability of this system to treat sewerage was recently evidenced by the wastewater quality reports done early in the year. (See exhibit.) The influent has high values, the effluent, low values. This is perfect evidence that the system, when kept in repair, works wonderfully well. In fact, the values for BOD and Suspended Solids of the Cogent plant effluent exceed standards for wastewaters used for irrigation or discharged into streams and canals. These reports were readily available both at my office and also at the County Health Dept. Brayton Willis from the Health Dept. was with the tour and knew of these facts, but the report stated nothing of them.

To state that, "...this is an inefficient, energy intensive method of aerating with the probable result of inadequate treatment of the wastewater." is totally beyond any sound engineering statement. All the evidence to the contrary was available and they ignored it all.

5. The original engineering designed this plant to have essentially no sludge build-up. It is common knowledge that sewerage will totally digest--given sufficient oxygen. The excellent water quality reports support this as well as the original engineering report. To assume that all plant will leave sludge is false. Proof of this was that during the latest repairs when chamber # 1 of the plant were completely pumped out there was no more than a few inches of sludge. To malign the design of the plant without any search of facts seems far beyond good engineering practices.

Mr. Bruce Rosenhan  
Oct. 6, 1981  
Page 3

5323

6. These statement by them are once again disregarding any effort to find facts. No comment is given to the fact that the manhole directly east of the plant was recently disturbed when Mountain Bell was doing digging in that area. Also, that that manhole has the least fall of any in the subdivisions. No mention is given to other manholes--not disturbed recently and with greater fall to them.

No comment was made that roaches are commonly treated when there is evidence of their excessive numbers or when instructed by the health department. Their statement of there being "numerous" complaints is totally false. Upon calling the health department, we could not turn up a single complaint. Where did this "numerous" come from. This is clearly an effort to malign without any regard for facts. The health department has never mentioned nor instructed any need for dusting for roaches.

If there were any health hazard, the health department would have made us aware of it. In item 25 where it is stated that disease transmission is (sic) emanant, the health department would have made us aware of that if it were true--and they have not.

Furthermore, the cost estimate per manhole is false. Since the manholes are behind the homes, there will be an extra charge when access to them is not easy. The exterminating companies I have called report a charge of \$25 per manhole plus extra charges for inconvenience. There are 69 manholes, and thus the cost would be in excess of \$3,000 per dusting. No mention is made of these factors even though it is common knowledge that the company's biggest problem is lack of money.

7. Contrary to this report, competent engineers have been employed, and we know exactly how to repair the lift station so that a continual flow of water for priming would not be necessary. We've never had the money to make the changes that we know would solve the problem once and for all.

8. This statement is outrageously false! I said the maintenance manual was upstairs in the office. If he cared to see it, I would get it. I said I had never personally used the grease gun on the motors, but my father had, and that we consulted with the factory representative if we had any questions. The factory representative had been out many times over the past 8 or 9 years and had given us instructions as to how to care for it.

Furthermore, quoting from the factory manual:

"The pump motors are provided with pre-lubricated ball bearings which under normal conditions require little or no maintenance and relubrication."

Mr. Moore reported that he was previously employed by Smith and Loveless--the manufacturers of the lift station. These facts would have been known to him, or looking at the manual would have revealed. The total disregard for facts is most obvious in this case.

C-23-81  
15321

Mr. Bruce Rosenhan  
Oct. 6, 1981  
Page 4

9. See affidavit by Ross Fish.

This paragraph is surely one of the most malicious. It shows clearly that these engineers are simply trying to ingratiate themselves with the Corporation Commission in order to get future business.

What does oil on the floor have to do with anything?

The compressors were installed in 1975. How can they purport to say that the filters have not been cleaned since startup. Those compressors have been in constant use for nearly six years.

Furthermore, we believe that only one of the filters was seen, and that of the compressor that has not been in use for six months or more. The second compressor filter requires a wrench to take it off. I was standing there while they were tinkering with it, and I don't believe the filter for the compressor that was most recently used was ever inspected. To state "the filter has not been cleaned since plant startup." is insane. To state that I verified that is a lie. To state that lack of cleaning caused overheating of the air, etc. is impossible. How did they survive six years? See the affidavit by Ross Fish. They asked me if I had ever cleaned them. I answered that I personally had not, but that Ross had. They only reported the part that they thought would cause the most damage.

10. What would one see if the motors were pulled out? From external observation can one tell if a seal is leaking, or that the windings are faulty?

We've had the experience of having a newly rebuilt motor, perfectly clean, bolt it in place, lower it down, hook up the electricity, and within days have the motor fail. If there were anything to be seen by external inspection, we would have seen it before we went to all that work. The same make and model of motors have been used since 1973. Nobody has had more experience with those particular motors than we have. We have the greatest possible difficulty making any sense out of the comments by them--except that they want to malign us.

11. The original design of the plant was approved by Maricopa County Health Dept. without standby power. The discretion of this requirement lies with the Health Dept. The fact that it has not been required of us was completely omitted from the report.

12. This comment by the engineers has to be the perfect proof of the great lengths they are willing to go to in order to attempt to discredit us.

Yes, there is an alarm. It was perfectly visible at the site, and a simple question would have solved the problem. We've been answering that alarm for eight years now.

13. We can't tell from the photograph which manhole is referred to, but there are certain manholes that we have deliberately covered so that they are difficult for vandals to locate. Those manholes behind homes have not been a source of problem in the past. Vandalism has been a severe problem. Phone books, tires, rocks, blocks of wood, bricks, toys, etc. have come down the lines.

Furthermore, the manhole to the east of the plant was covered with some dirt recently as Mountain Bell dug a trench in the same location.

Mr. Bruce Rosenhan  
Oct. 6, 1981  
Page 5

15325

14. We want to comply with every regulation. Where is the money to do it. Nothing is mentioned of the cost. Good engineering would surely require some interest in the economics of a system.

15. In eight years we have had no experience with sewerage back-up. There was one report of sewerage running in the street, but that claim could not be verified. I was called to the scene and representatives of the health dept. were there, but no water in the street.

What represents evidence of sewer backup was not explained, nor do we believe it can be explained. This was simply more effort to try to convince others of problems that do not exist.

16. The construction was inspected and approved by the Maricopa County Health Dept. This is the first time we've heard such a criticism. We do not believe it is justified. This is just more evidence of the extra effort to discredit us.

17. More disregard for the truth. It is totally false that the gate valves have never operated. Within the last year they were both opened and shut while the comminutor was being repaired. They are not seized. The key-lever sets right at the site. If they had tried them instead of just fault-finding, they would have known.

Once again, the power to the plant is 220. 380 does not exist in Arizona, nor probably anywhere in the U.S.

Why would they make such statement without any effort whatsoever to establish the facts. Obvious: the goal of this report was not to discover facts, but rather to find a list of complaints to taint the hearings before the judge and possibly the Corporation Commission.

18. There is no truth to these statements. See affidavit by Ross Fish, and also the previous rebuttal # 9.

19. More effort to malign. These compressors were installed in 1975. This is the first failure for the one. The other one was rebuilt once, but had gone out a second time. Still a comendable performance for the compréssors.

20. Paragraphs one and two have already been commented upon. Paragraph three can easily be settled: The system has been approved by the Health Department: Bulletins are guides, not to superceded considerations unique to the design of the system. For these engineers to criticize the approved plans of the Health Department seems totally out of place.

Regarding paragraph four: The operating manuals are in the office file. How close do they expect them to be. To make a statement that they do no exist is a lie. No effort to obtains facts was made. Surely this approach is to the extreme outside of good engineering practices.

21. Evidence of the unusually excellent ability of this system to treat sewerage was recently evidenced by the wastewater quality reports done early in the year. (See exhibit.) The influent has high values, the effluent, low values. This is perfect evidence that the system, when

Mr. Bruce Rosenhan  
Oct. 6, 1981  
Page 6

5326

kept in repair works wonderfully well. This issue was commented upon in item # 4. How did we manage to get such outstanding test results if the system is so poor. For these engineers to make such brash statements without any regard for the truth, or any effort of research seems totally wrong.

22. This paragraph shows the continued disregards for facts. The motors are operating according to factory recommendations. The motors are monitored regularly to determine that the amperage draw on the motors is correct. We have no reason to believe that the engineers took amp readings, and therefore could not have possibly known at what point on the chart the motors were functioning. For them to make a blanket statement as to the cause of motor burn-out without any testing whatsoever, certainly is beyond any reasonable engineering practice.

23. There are only two people who have dealt with the operations of the sewer plant--Ross and Errol Fish. We've lived with it daily since 1973. To make such outlandish, vicious criticisms as: "...does not have an established program..." "No regular maintenance is practiced." "...further evidence of a lack of interest of the operators and managers of this system." are completely unwarranted in an engineer's report.

We've put eight years, tens of thousands of personal money, no salaries, no money for travel costs, countless hours day and night, summer and winter. All we've asked for is a decent rate of return and money to keep the plant in operation. What do we get? The power and unlimited resources of the Corporation Commission and Attorney General with a single purpose--bankrupt and destroy.

Now come the engineers--maligining and criticizing, ingratiating themselves with the Corporation Commission, telling lies, insinuating flaselty, using their professional position to infer deception.

It certainly would seem that there ought to be some method of stopping their ruthless actions.

24. See comment # 6 for reference to roaches. The health department has never been contacted by our customers, nor do we know of any other complaint by the health department. If the disease potential is so (sic) emanent, then surely they would have made us aware of it. Do these engineers purport to be the only ones who know anything.

25. The goal of this report is not to find real problems and suggest real solutions. It is designed only to malign, to pick at the smallest problem, to criticize. It's character assassination all under the guise of professionalism.

In addition to all the complaints above, Terry Moore admitted to trespassing the property. When working for Charles Neidhart he obtained plans from an illicit source, went to the site, entered the property, inspected it without permission, and then used the information obtained against us at a hearing. Once again, how is it possible for him to do all these things and still call himself a professional engineer. He really should go into the private investigation business.

5327

Mr. Bruce Rosenhan  
Oct. 6, 1981  
Page 7

Therefore, we request that your office review these complaints. Any further information we can provide, we will do so. I think these men should be disciplined for this outrageous report--so damaging and so totally without ethics.

Cordially,

*Errol Fish*  
Errol Fish

*[Faint, mostly illegible typed text follows, appearing to be a letter or report.]*

*Errol Fish*

2001 5328  
MARICOPA COUNTY HEALTH DEPARTMENT

A DIVISION OF MARICOPA COUNTY DEPARTMENT OF HEALTH SERVICES

1825/1845 East Roosevelt, Phoenix, Arizona 85006

P.O. Box 2111, Phoenix, Arizona 85001



Phone: 258-6381

February 4, 1981

Mr. Errol Fish, President  
Cogent Public Service, Inc.  
590 West 96th Street  
Mesa, Arizona 85207

Re: Cogent Public Service, Inc.

Dear Mr. Fish:

On February 4, 1981 an operational inspection of your sewage treatment facility was conducted by Public Health Engineer, Brayton Willis.

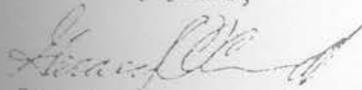
Please be advised that in our opinion all mechanical functions of the treatment facility are operational to a degree considered satisfactory by this Department. Be further advised that full compliance to State regulations will require that you submit to a certified laboratory four (4) composite sewage samples for the purpose of examining average daily BOD and suspended solid quantities of the influent and effluent flows. These samples should be taken starting immediately. A date schedule for the four (4) samples should be as follows:

February 5th or 6th, February 9th, February 18th and February 25th

The influent sample should be taken from the primary chamber and the effluent sample should be taken from the effluent stilling well. The composite sample should consist of quarter samples taken randomly throughout the day or using an automatic composite sampler. In addition to the sampling, we will require that you furnish the average daily flow rate for the day that the sample was taken. If satisfactory bacteriological efficiencies are recorded after the second sample, this Department will consider that the plant is operating within the intended design parameters.

If you have further questions regarding our requirements, please contact Brayton P. Willis, Jr., Public Health Engineer, phone #258-6381, extension 366.

Very truly yours,

  
Gerard O'Connell, P.E., Chief  
Bureau of Public Health Engineering  
Environmental Services

BPW:GOC:sh

cc: Gary A Smith, Arizona Corporation Commission  
Ash Madhok, P.E., Public Health Engineer

EXHIBIT #1

C-75-81

5329

# Arizona Testing Laboratories

817 West Madison · Phoenix, Arizona 85007 · Telephone 254 6181

For: Cogent Corp.  
590 North 96th Street  
Mesa, Arizona 85207  
ATTN: Mr. Ross Fish

February 20, 1981  
Date: February 19, 1981

Lab. No.: 0095

Sample: Wastewater

Marked: Sampled over 12 hour period,  
2/12/81, Sampled at Cogent  
Corp. (See above address)

Received: 2/13/81

Submitted by: Same

## REPORT OF LABORATORY TESTS

	<u>Influent</u>	<u>Effluent</u>
BOD, 5 day, mg/L	240	*lt 5
Total Suspended Solids, mg/L	257	11

Test started 2/13/81, 2:51 pm.

Respectfully submitted,

ARIZONA TESTING LABORATORIES

*Steven Hankins*  
Steven Hankins

\*lt = less than

EXHIBIT # 2

C-85-01

15330

Arizona Testing Laboratories

# Arizona Testing Laboratories

817 West Madison · Phoenix, Arizona 85007 · Telephone 254-6181

For: Cogent Corp.  
590 North 96th Street  
Mesa, Arizona 85207  
ATTN: Mr. Ross Fish

Date: February 25, 1981

Lab. No.: 0206

Sample: Wastewater

Marked: See Below

Received: 2/19/81

Submitted by: Same

### REPORT OF LABORATORY TESTS

	<u>Influent</u>	<u>Effluent</u>
BOD, 5 day, mg/L	180	*lt 5
Total Suspended Solids, mg/L	144	5

NOTE: Test started 2/19/81, 4:07 pm.

Respectfully submitted,  
ARIZONA TESTING LABORATORIES

*Steven Hankins*  
Steven Hankins

\*lt = less than

EXHIBIT # 2 (cont)

15331

# Arizona Testing Laboratories

817 West Madison · Phoenix, Arizona 85007 · Telephone 254-6181

For: Cogent Corp.  
590 North 96th Street  
Mesa, Arizona 85207  
ATTN: Mr. Errol Fish

Date: March 10, 1981

Lab. No.: 0382

Sample: Wastewater

Marked: See Below

Received: 3/2/81

Submitted by: Same

## REPORT OF LABORATORY TESTS

	<u>Influent</u>	<u>Effluent</u>
BOD 5 day, mg/L	89	5
Total Suspended Solids, mg/L	28	*lt 2

Test started 3/2/81, 3:00 pm.

Respectfully submitted,  
ARIZONA TESTING LABORATORIES

*Steven Hankins*  
Steven Hankins

\*lt = less than

EXHIBIT H 2 (CONT)

AFFIDAVIT

I, Ross A. Fish, 1017 E. 8th St., Mesa, Ariz. 85203, hereby write this affidavit to strenuously object to statements made by Terry Moore and Ken Knickerbocker in a report of Sept. 16, 1981.

1.) LIFT STATION: The pump motors have been personally lubricated by me from time to time. We do have an operators manual and in that manual under "Maintenance Instructions" we are told: "The pump motors are provided with pre-lubricated ball bearings which under normal conditions require little or no maintenance and re-lubrication." In order to avoid any pressure or damage to the bearings, I have simply injected a small quantity of grease two or three times a year.

2.) COMMUNICATOR: The oil level is regularly checked by me at least once a month. There has never been a time when it has not been adequately cared for.

3.) AIR COMPRESSORS: Contrary to the nonsense stated by the engineering firm, the air filters have been personally removed and cleaned by me personally no less often than every three to four months. We do not have an operators manual, but we have asked factory representatives concerning the filters and have simply had instructions to clean them sufficiently to keep adequate air flow. The compressors have been working since 1975. It is only expected that after that many years of operation that some repairs can be expected. I have personally changed the oil and attended to all lubrication on the compressors. The oil on the floor is normal for the conditions. If anything the oil receptacles have been filled more often than actually necessary and has resulted in some waste oil on the floor.

I have had a lifetime of experience with every conceivable type motor, engine, machinery you can imagine. It doesn't take an engineer's degree to know how to keep machinery lubricated and fit for use.

We never have had a problem with the sewer plant and wouldn't today except for the lack of money to keep it up.

Signed this 23 day of Sept, 1981.

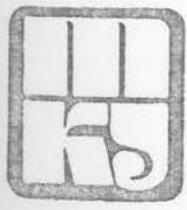
*Ross A. Fish*

Ross A. Fish

Witness to Signature *J. Alma West*

# REPORT OF INSPECTION OF THE COGENT PUBLIC SERVICE CO. INC. WASTEWATER MANAGEMENT SYSTEM MARICOPA COUNTY, ARIZONA

Moore Knickerbocker Jones and Associates, Inc. was engaged by Cogent Public Service Co. Inc. to inspect the wastewater management system of the system. The purpose of the inspection was to determine the condition of the system and to identify any deficiencies. The inspection was conducted on 9/16/89. The results of the inspection are reported in this report. Should you have any questions or need any further information, please contact us at the address listed below.



**Moore Knickerbocker Jones  
and Associates Inc.  
4433 N. 19th Avenue  
Phoenix, Arizona**

C-25-81

MOORE KNICKERBOCKER JONES AND ASSOC., INC.  
ENGINEERS • SURVEYORS

15331

TERRY L. MOORE, P.E.  
PRESIDENT  
KEN L. KNICKERBOCKER, P.E.  
VICE-PRESIDENT  
JOE D. JONES, R.L.S.  
VICE-PRESIDENT

September 16, 1981

Utilities Division  
Arizona Corporation Commission  
1200 W. Washington  
Phoenix, Arizona 85007

RE: Wastewater Management System  
Cogent Public Service Co., Inc.

Gentlemen:

In fulfillment of our contract dated September 4, 1981, we have reviewed the wastewater management system at the Cogent Public Service Co., Inc. to make observations as to the conditions of the system with respect to its technical adequacy in meeting Maricopa County Health Department regulations, adequacy of system management, and to identify sources of immediate potential health hazard.

Attached is a report on findings of the system inspection for your review and perusal. Should you have questions as to details please contact us and we will be pleased to respond.

Respectfully submitted,

MOORE KNICKERBOCKER JONES AND ASSOCIATES, INC.

*Terry L. Moore*  
Terry L. Moore, P.E.

*Ken L. Knickerbocker*  
Ken L. Knickerbocker, P.E.

TLM/KLK:sk

Attachment

INTRODUCTION

On June 2, 1981, the Arizona Corporation Commission, Utility Division, engaged the services of Moore Knickerbocker Jones and Associates to review the technical and operational aspects of the wastewater treatment plant owned and operated by the Cogent Public Service Company Incorporated, near Apache Junction, Arizona. This contract was extended on September 4, 1981 to include a review of the operational and management aspects of the wastewater management system. For clarification, the wastewater management system includes wastewater collection, treatment, and effluent disposal. The purpose of this report is to summarize and itemize the findings of the two inspection trips, and to make observations as to the condition of the system with respect to its technical adequacy in meeting Maricopa County Health Department regulations, adequacy of system management, and identify sources of an immediate potential health hazard.

DEFINITION OF PROBLEM

The history of the operation of the wastewater treatment plant owned and operated by the Cogent Public Service Company has been tumultuous to say the least. Since the last quarter of 1974, the Maricopa County Health Department has been inspecting the treatment facilities and has, at each visit, found major deficiencies in the plant's performance either mechanically or operationally. On several occasions partially treated wastewater has been allowed to discharge to the seepage pits. During the last year, the mechanical equipment at the plant has been out of service, replaced, and is again partially out of service.

INVENTORY

Figure 1-1 shows a brief schematic of the wastewater treatment flow scheme. Wastewater collected from the West side of the treatment plant is pumped to a manhole where it joins the gravity flow from the East side. The wastewater flows through a comminutor, flow diversion structure, and into a 150,000 gallon aeration basin. Flow proceeds in a serpentine manner through the aeration basin into a 9,600 gallon clarifier. Flow then proceeds through a flow meter into a seepage pit system for final effluent disposal.

The aeration system consists of four (4) high pressure compressors constructed such that one common motor per pair of compressors can supply oxygen to the aeration basin. One pair of compressors acts as standby. Each pass of the aeratio basin is equipped with mixing

pumps in an attempt to keep solids in suspension.

The clarifier consists of a covered tank with wood overflow weirs. There is no means of returning solids from the clarifier to the aeration basin.

Figure 1-2 shows a detailed plan of the treatment plant and the flow-through pattern.

#### FIELD OBSERVATIONS

Mr. Ken Knickerbocker, of Moore Knickerbocker Jones and Associates, Inc., visited the treatment plant on July 3, 1981, with members of the Corporation Commission staff and Mr. Ross Fish, of Cogent Public Service Company, Inc., to assess the problems at the plant and to observe and inspect the facility. The following items were noted:

1. The comminutor has been wired for 380 volts. The main power is 2 460 volts.
2. Aeration Basin No. 2 had a thick surface scum. No surface movement was observed.
3. Aeration Basin No.3 pump was not operable. There was a hard, thick scum layer on the surface of the aeration basin liquid.
4. Aeration Basin No. 4 pump was inoperable.
5. Aeration Basin No. 5 had large amounts of surface scum.
6. Aeration Basin No. 6 pump was inoperable.
7. Not surprisingly, the effluent took on a cloudy and turbid appearance.
8. A flow measuring station located on the discharge of the sedimentation basin appeared to be constructed improperly and was inoperable. (3)
9. One pair of compressors was inoperable.
10. The method of mixing (submersible pumps circulating from one end of the tank to the other) appears to be inadequate. Inadequate mixing was evident in all basins except the first, a relatively small basin. Although this type of mixing is feasible in theory, it should be noted that it is a highly energy intensive process as (4)

pumps in an attempt to keep solids in suspension.

The clarifier consists of a covered tank with wood overflow weirs. There is no means of returning solids from the clarifier to the aeration basin.

Figure 1-2 shows a detailed plan of the treatment plant and the flow-through pattern.

FIELD OBSERVATIONS

Mr. Ken Knickerbocker, of Moore Knickerbocker Jones and Associates, Inc., visited the treatment plant on July 3, 1981, with members of the Corporation Commission staff and Mr. Ross Fish, of Cogent Public Service Company, Inc., to assess the problems at the plant and to observe and inspect the facility. The following items were noted:

1. The comminutor has been wired for 380 volts. The main power is 460 volts. 2
2. Aeration Basin No. 2 had a thick surface scum. No surface movement was observed.
3. Aeration Basin No.3 pump was not operable. There was a hard, thick scum layer on the surface of the aeration basin liquid.
4. Aeration Basin No. 4 pump was inoperable.
5. Aeration Basin No. 5 had large amounts of surface scum.
6. Aeration Basin No. 6 pump was inoperable.
7. Not surprisingly, the effluent took on a cloudy and turbid appearance.
8. A flow measuring station located on the discharge of the sedimentation basin appeared to be constructed improperly and was inoperable. 3
9. One pair of compressors was inoperable.
10. The method of mixing (submersible pumps circulating from one end of the tank to the other) appears to be inadequate. Inadequate mixing was evident in all basins except the first, a relatively small basin. Although this type of mixing is feasible in theory, it should be noted that it is a highly energy intensive process as 4

opposed to alternate types of mixing and aerating.

11. Hardened scum layers on the second and third aeration basins further confirmed inadequate mixing. In addition, such a scum layer lends itself to anaerobic (septic) conditions beneath the layer - a condition which should be avoided in an activated sludge treatment process. The ultimate result of such a condition is odor problems. (4)

12. The method of aerating the wastewater is questionable. Such a method, injecting compressed air into the discharge side of the submersible mixing pump, does not lend itself to good mixing and, therefore, intimate contact with the microorganisms is inhibited. In most cases the flow regime in the discharge line of a centrifugal pump is plug flow and not a completely mixed regime as would be desirable in this case. Therefore, this is an inefficient, energy intensive method of aerating with the probable result of inadequate treatment of the wastewater. (4)

13. There was no visual method of automatic surface skimming on the sedimentation basin and, therefore, solids in the form of scum were being discharged. Scum was also blocking the crest of several weirs resulting in uneven overflow rates. The basin bottom also lacked a hopper-type arrangement, indicating inadequate sludge withdrawal ability. (5)

Discussions with Mr. Gary Smith, of the Corporation Commission, indicated that all pumps and compressors that were inoperable were so due to motor failures.

On September 9, 1981 Mr. Ken L. Knickerbocker and Mr. Terry Moore visited the Cogent Public Service area to examine the sewage collection network and the wastewater treatment plant to evaluate the effectiveness of the principal operators in managing system.

A close examination of the system and questioning of Mr. Errol Fish revealed the following:

1. An examination of the sewer mains revealed that the sewers have never been cleaned. The manhole directly east of the plant had 2 inches minimum of grit in the flow channel. Roaches appeared in great numbers in every manhole that was examined. Other manholes showed evidence of lack of sewer cleaning. Mr. Fish verified in a verbal conversation that the sewers have never been cleaned and that roach control had never been practiced even though there were numerous complaints regarding roaches within the user area. (6)

2. The procedure used at Cogent to assure that the influent lift station remains primed is to recirculate wastewater from the plant to the lift station discharge line. Failure to recirculate causes the lift station to lose prime and not function. This condition causes undue power costs. Efforts have been made by Cogent to contact the manufacturer to rectify the prime loss. All efforts with the manufacturer has failed to define the problem. To (7)

my knowledge a competent engineer has not been employed to define the problem and recommend a solution.

3. Mr. Fish indicated that he has never lubricated the motors nor does he have a factory maintenance manual for the lift station. Mr. Fish indicated that he had the lift station service representatives service the station in December, 1980. Conversation with the service man indicates that he serviced that lift station in 1979. The factory manual calls for grease every nine to twelve months. It is apparent that that has not been adhered to. (8)

4. The blowers used to aerate the wastewater treatment plant were not operable. The building had substantial amounts of oil on the floor. A physical examination of the blower intake filter revealed that the filter has not been cleaned since plant startup. This was verified in conversations with Mr. Fish. Mr. Fish did not have a maintenance manual on the blowers. Lack of cleaning causes overheating of the air, increased amperage draw on the blower motors, and deterioration of the blower seals. (9)

5. The recirculation mixing pumps in the aeration basins are never pulled for examination unless they break down. At present only three pumps operate. (10)

6. Only one of the recirculation pumps that is used to keep the lift station primed is operable.

7. There is no standby power for the lift station. (11)

8. There is no high level alarm system on the lift station. (12)

9. The effluent flow recorder was inoperable.

10. There was no evidence of record keeping which itemizes service of equipment, lubrication of equipment, or operational test results.

The following photographs provide background for the conditions observed. The photographer was Mr. Terry Moore.

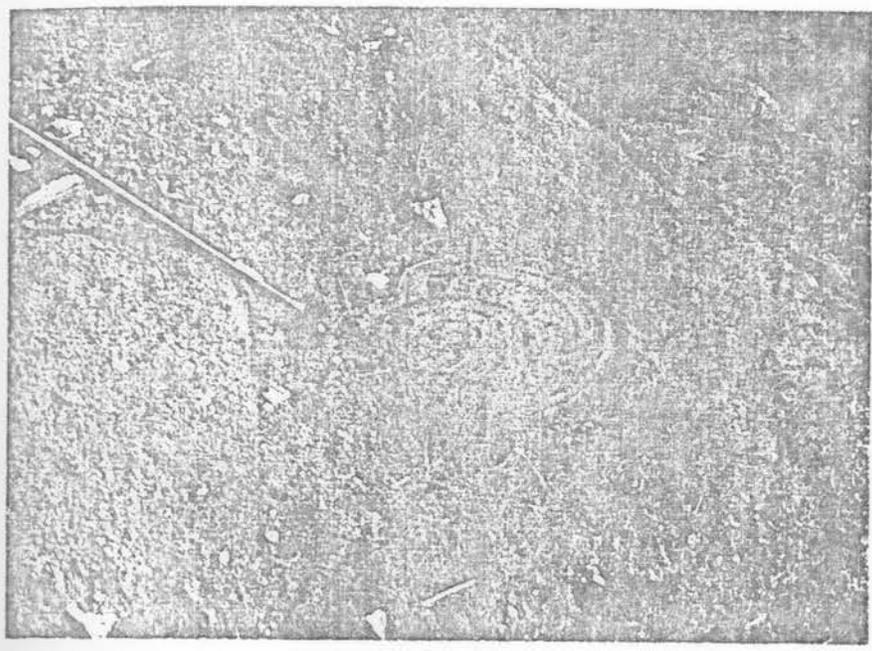


Photo No. 1. This photograph shows a manhole that had to be uncovered to locate the sewerline for a sewer connection. Most of the sewers in the Cogent Public Service Company area have been constructed in an easement between lots as opposed to being constructed in the streets.

13

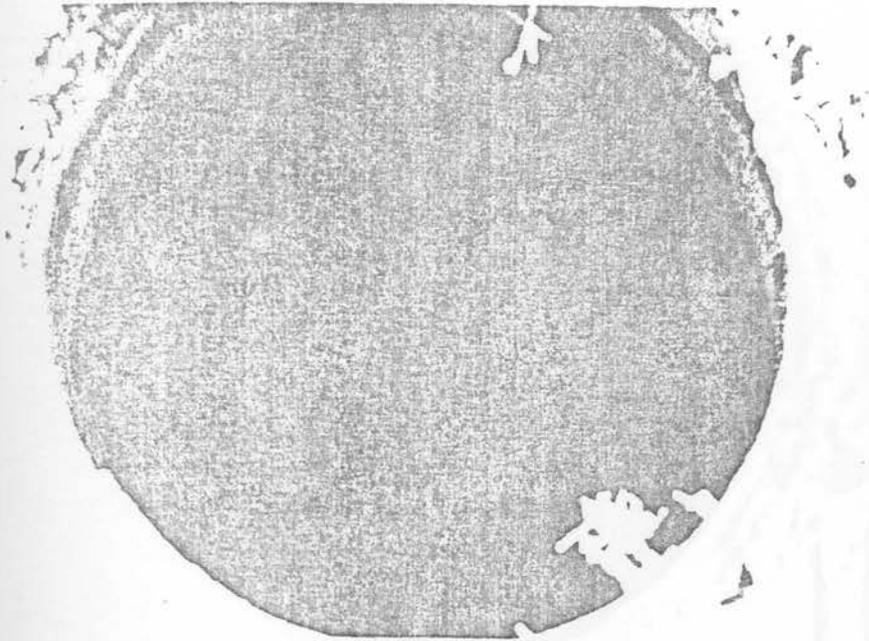


Photo No. 2. This photograph shows evidence of a partial blockage in the manhole on 96th Street north of the plant. The sewer lines should be cleaned periodically to prevent a buildup of solids which could plug the sewer and create an overflow of raw wastewater into the adjacent street.

14

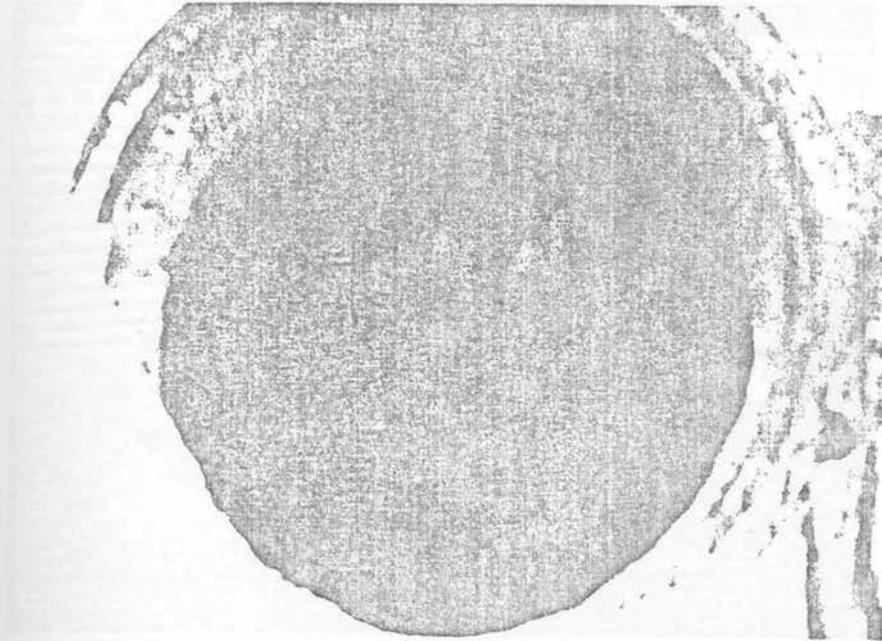


Photo No. 3. This photograph shows evidence of a sewer backup in a manhole just west of the wastewater treatment plant. Since this is the manhole that feeds the lift station and is the lowest point on the present collection system, lift station failure will cause an overflow into the street which will create a public health hazard. (E)

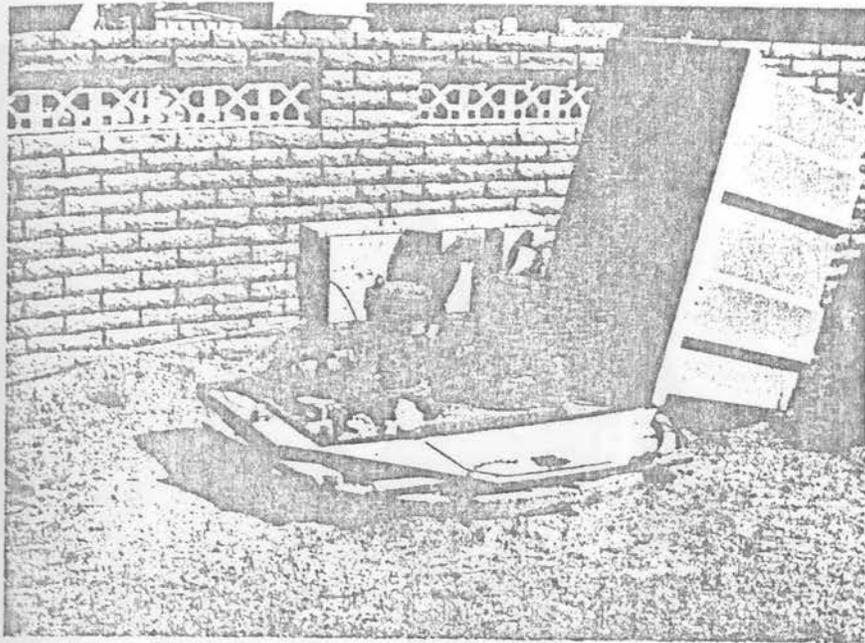


Photo No. 4. This photograph shows the sewage pumping station at the headworks of the sewage treatment plant. Notice the poor construction technique used during installation of the pumping station. Instead of wood supports, the lift station should be grounded and sealed around the top of the manhole. There is no standby power to this lift station nor is there an alarm system on the lift station.

(16)

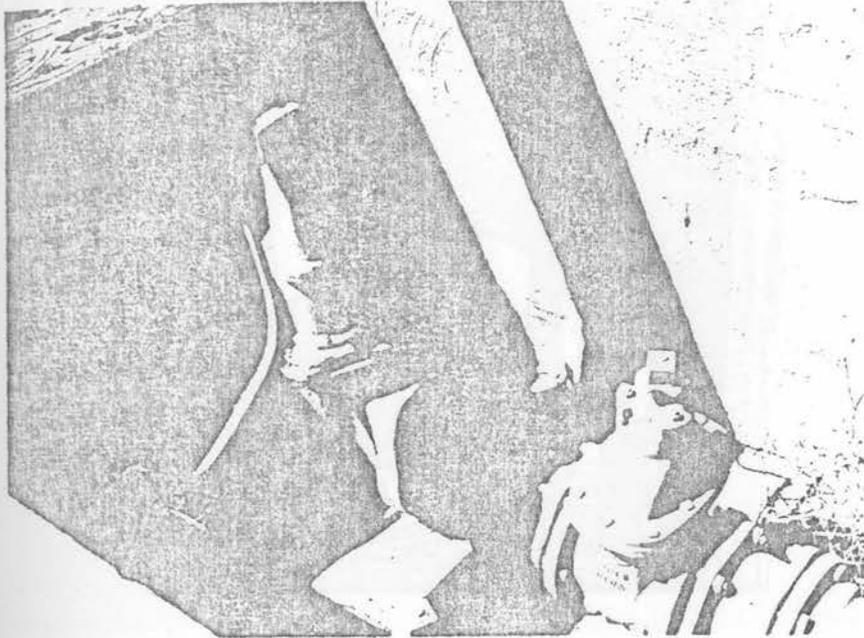


Photo No. 5. This photograph shows the comminutor and by-pass station at the headworks of the treatment plant. The gate valves have never been operated according to Mr. Errol Fish. These valves have seized and will not allow by-passing of the comminutor in an emergency. The comminutor motor has been wound for 380 volts power. The main power, however, is 480 volts.

overheating of the  
increased air flow on the blower motors, and  
of the blower bearings and seals.

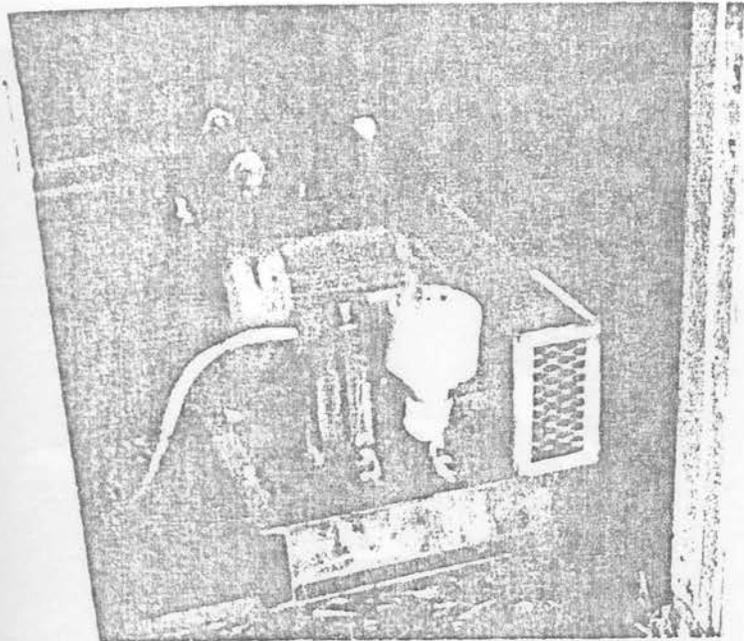


Photo No. 8. This photograph shows one of the blower systems that supplies air to the wastewater treatment plant. Examination of the blower indicated that the intake filter (white cylinder in the foreground) has never been removed and cleaned. Mr. Errol Fish confirmed this when questioned. The filter was plugged with mud. Lack of cleaning of the intake filter causes overheating of the lubrication oil, increased amperage draw on the blower motors, and deterioration of the blower bearings and seals.

(18)

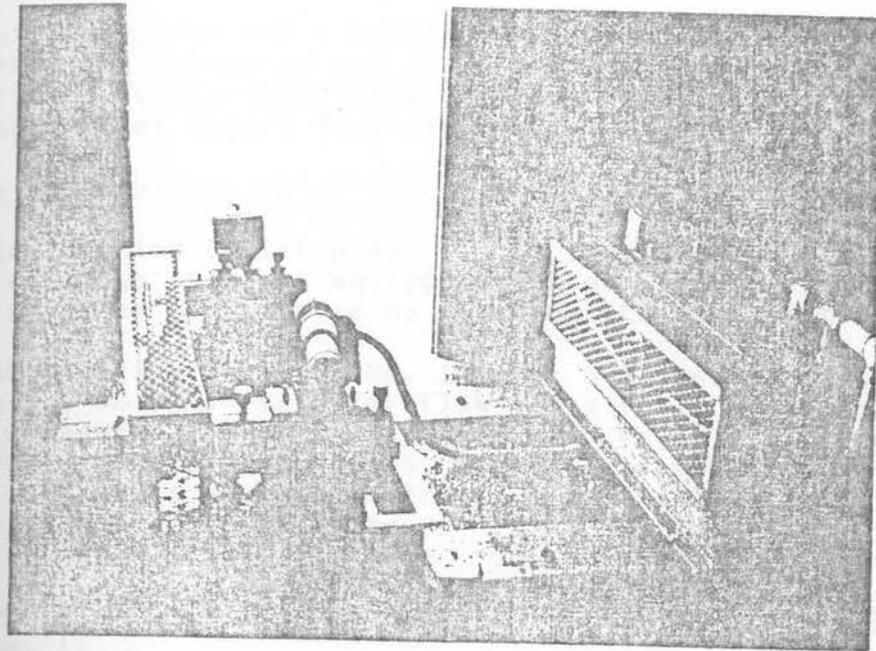


Photo No. 9. This photograph emphasizes the problems that exist with the lack of blower system maintenance. Note the oil that has been thrown from the blowers due to overheating. Neither blower was operable when the site was visited on September 9, 1981.

(19)

RUNNER OF LOTS SERVED-221  
 187 W/LP/2 358 W/LP/2

	585	514
...	...	...
...	4.8	6.8
...	2.4	2.98
...	...	...
...	82.4	77.4

Chapter 13 of Engineering Bulletin No. 13 requires an ...  
 and maintenance manual be located in a place accessible ...  
 to the operator or user. It is indicated that no such manual ...  
 manual must include information from each equipment ...  
 that allows guidance in servicing and troubleshooting ...  
 of equipment. No such manuals are present.

CONFORMANCE WITH REGULATIONS (20)

A review of the system and a review of the drawings of the plant indicate that the system is not in conformance with the standards of the Maricopa County Department of Health Services or the Arizona State Department of Health Services.

The system is in violation of the standards in the following areas:

1. Engineering Bulletin No. 11, Pg 5-2, Section B states... "All lift stations shall be equipped with an audible or visual high level alarm system". There is no alarm on the lift station.
2. Engineering Bulletin No. 11, Pg. 5-2, Section C states .. "Lift stations which serve major flow areas shall be equipped with a standby generator, shall be supplied with power by two separate feeders from separate substations, or shall be supplied by a loop feeder on separate transformers from a common substation." There is no alternate power capability.
3. The clarifier loading rates do not conform to Engineering Bulletin No. 11.

ITEM	NUMBER OF LOTS SERVED-221	
	400 GPLPD	350 GPLPD
<u>Surface Loading Rate (151 SF Area)</u>		
Max. Allowable, GPDPSF	490	475
Actual, GPDPSF	585	514
<u>Hydraulic Retention Time - Hrs.</u>		
Minimum Allowed	4.0	4.0
Actual	2.6	2.98
<u>Average Daily Flow 1000 gallons/day</u>	88.4	77.4

4. Chapter 11 of Engineering Bulletin No.11 requires an operation and maintenance manual be located in a place accessible to the operator on site. Mr. Fish indicated that no such manual exists. The manual must include information from each equipment manufacturer that allows guidance in servicing and troubleshooting each piece of equipment. No such manuals are present.

TECHNICAL REVIEW

A detailed technical review of the plant design indicates the following:

1. The recirculation mixing pumps will not provide sufficient velocity in the aeration basins to keep solids in suspension. Velocities range from 0.01 fps in Aeration Basin No. 7 to 0.025 fps in Aeration Basin No. 4. Normal velocities should be 10.5 fps.

2. The type of air injection system does not provide sufficient oxygen to adequately treat the wastewater. Normally, air is supplied at 1.0 pound of oxygen per pound BOD. The oxygen transfer capability would have to exceed thirty (30) percent to allow 60 section blowers to properly operate. Deep tanks are normally required to achieve this.

3. The recirculation (mixing) pumps in the aeration basin are operating off the end of the pump curve. This is what is most likely, causing the motors to burn-out as frequently as they do.

21

22

SYSTEM MANAGEMENT

Proper preventive maintenance goes hand-in-hand with proper utility management. The Cogent Public Service Company, Inc. does not have an established program which systematically manages the operation and maintenance of the system. No regular maintenance is practiced. This is evident by the roach problem, the deposition of material in the sewers, and the lack of maintenance documents. The lack of air filter cleaning on the blowers, lift station lubrication schedule, and mixing pump checking is further evidence of a lack of interest of the operators and managers of this system.

23

POTENTIAL PUBLIC HEALTH HAZARD

24

There are two areas of the wastewater management system which could create a public health hazard in the near future.

1. Sewer roaches are disease transmitters. Lack of sewer dusting for roach control presents an immediate health hazard. Complaints by the sewer users regarding roaches have been ignored by Cogent Public Service Company, Inc.

Manhole dusting should be implemented on semi-annual intervals.

Costs ranges from 10 to 12 dollars per manhole.

2. The most vulnerable point in the collection network is at the lowest manhole in the system directly west of the treatment plant site. Photograph 3 shows evidence of a system breakdown. The manhole runs to the lift station with the treatment plant site. This lift station is extremely vulnerable as a cause of wastewater spillage at the west manhole which would create a public health hazard. The lift station failure could be caused by one of three methods:

1. power outage without a standby generator.
2. Malfunction of the pumps through mechanical failure or plugging. Chances of mechanical failure is proportioned to lubrication and preventive maintenance procedures. The less attention that is given to lubricating or servicing the pump, the more frequently the pumps will malfunction.
3. If the recirculation pump that allows the lift station to operate fails, the pumps will lose prime and not pump. One recirculation pump has already failed. It is only a matter of time before the second pump will fail.

CONCLUSION <sup>25</sup>

It can only be concluded that the owners and operators in the Cogent Public Service Company, Inc. have been remiss in their duties and responsibilities in properly managing this system. If the present management philosophies and procedures continue, system failure and disease transmission is emanant.

Date 9/16/81

Moore Knickerbocker Jones & Assoc. Inc.

BY Terry L. Moore  
President

BY H. Knickerbocker  
Vice President

Subscribed and sworn before me this 16th day of September, 1981.

Notary public: Sandra A. Hampton

My Commission Expires Aug. 17, 1984

STRATTON & ASSOCIATES

5350

202 FIFTH STREET  
SAFFORD, ARIZONA 85546

(602) 428-6771

October 15, 1981

Bruce R. Rosenhan  
State of Arizona  
Board of Technical Registration  
1645 W. Jefferson  
Suite 315  
Phoenix, Az. 85007

RE: No. C101-79 and C39-80

Dear Mr. Rosenhan

Enclosed please find 3 copies of the Decision by Consent, and a check for \$250.00.

The person that I have selected to conduct a peer review is Todd Rockwell L.S.4021, 3006 North 38th Street, Phoenix, Arizona 85018.

I am also enclosing another copy of the Revised Record of Survey. Please note that the re-survey was made and recorded long before I was ordered to do so by the Board.

Upon acceptance by the Board of the Decision by Consent, please send copies of all related documents.

Sincerely

  
David A. Stratton

das/ep

STRATTON AND ASSOCIATES  
202 5TH ST. 428-6771  
SAFFORD, AZ 85546

793

91-58/1221

10/15 1981

PAY TO THE ORDER OF State Board of Technical Registration \$ 250.00  
Two Hundred Fifty and 00/100 DOLLARS



Safford Office  
Safford, Arizona 85546

MEMO C101-79 & C39-80 David A. Stratton  
⑆ 1 2 2 1 0 0 5 8 7 ⑆ 0 7 9 3 ⑆ 2 1 1 6 ⑆ 1 7 3 5 ⑆

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION 23390

Name \_\_\_\_\_ Date Received October 15, 1981  
Address \_\_\_\_\_ Arizona 85546  
Branch \_\_\_\_\_ Bank Transit # \_\_\_\_\_

APPLICATION FEES

EXAMINATION FEES

- 50.00  75.00
- 15.00
- Assayer
- Architect
- Engineer
- Geologist
- Landscape Arch.
- Land Surveyor
- In-Training

- ENGINEERS' ETC.
- 15.00  Part 1
  - 20.00  Part 2
  - 30.00  Part 3
  - Part 4
  - Part 5
  - Part 6
  - AIT 94
  - EIT 25
  - GIT 25
  - LAIT 65

- ARCHITECTS
- Hist. 11
  - Struc. 11
  - Mat. & Meth. 11
  - Env. Cont. 11
  - Design 50
  - Prof. 70

- LANDSCAPE ARCH
- Part 1 20
  - Part 2 20
  - Part 3 45
  - Part 4 45

FOR MS David A. Stratton C101-79  
PAYEE OF FEE C39-80

Initial Exam   
Re-exam

MISCELLANEOUS

- ALPHA Roster
  - Numerical Roster
  - Am. Rpt.
  - Other
- Amount \$ \_\_\_\_\_

TOTAL AMOUNT RECEIVED \$ 250.00

By \_\_\_\_\_

CENTRAL CHAPTER  
ARIZONA SOCIETY OF PROFESSIONAL ENGINEERS  
PHOENIX, ARIZONA

15352



November 4, 1981

Ms. Judi Ross  
State Board of Technical Registration  
1645 West Jefferson, #315  
Phoenix, AZ 85007

Dear Ms. Ross:

This is to suggest an addition to your draft rules that will clarify them and which should serve to reduce concern in the engineering community about the intent of the rules.

It is recommended that the following preamble be added to the section of the rules dealing with engineering branches:

"Engineering branches establish special expertise. They are not intended to restrict, limit, or evaluate the practice of any registrant, nor to establish requirements concerning which discipline can be retained as principal on any type of project."

Sincerely,

*Allan F. Samuels*  
Allan F. Samuels, P.E.  
President

AFS/sln

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

15353

REGULAR MEETING

DECEMBER 4, 1981

MINUTES

The regular quarter-annual meeting of the State Board of Technical Registration, held at the Engineering Center, Room G-145, Arizona State University, Tempe, Arizona was called to order by Chairman Charles E. O'Bannon at 9:30 am.

MEMBERS PRESENT:

Charles E. O'Bannon, Chairman  
Jimmie R. Nunn, Vice-Chairman  
W. S. Gookin, Secretary  
Silas C. Brown, Member  
Hector C. Durand, Member  
Patricia J. Finley, Member  
Stewart R. Palmer, Member  
John B. Riggs, Member

ATTORNEY GENERAL'S OFFICE Gary L. Sheets, Assistant Attorney General

STAFF:

Judi E. Ross, Executive Director  
Bruce Rosenhan, Enforcement Officer  
Margaret Holmes, Administrative Secretary

OTHERS:

Joyce Smith  
Eleanor Smith, AIA  
William Sawyer  
Mr. Drapples  
Jeri Kishiyama, Attorney Risk Management.

I. EXECUTIVE SESSION

It was moved by Mr. Gookin and seconded by Mr. Riggs that the Board enter executive session to hear investigative reports and seek advice of counsel. Motion carried. The Board returned from executive session at 11:30 am. to resume the regular meeting.

II. ENFORCEMENT AND LEGAL ACTION

C19-80 BTR vs. Jim Smets, Land Surveyor #6975  
C61-80 BTR vs. Engineering and Surveying of Arizona

It was moved by Ms. Finley and seconded by Mr. Earley that the case be closed. Motion carried.

C56-80 BTR vs. Tri-Andria Design Corporation, Inc.

It was moved by Ms. Finley and seconded by Mr. Gookin that the case be closed. Motion carried.

C99-80 BTR vs. David K. Weeks, Land Surveyor #11370 and Civil Engineer #11603

It was moved by Ms. Finley and seconded by Mr. Riggs that staff check with county attorney regarding the case, presenting him with information the Board has, and review again in six months. Motion carried.

C100-80 BTR vs. William A. Ramsey, Civil Engineering #6312

It was moved by Ms. Finley and seconded by Mr. Riggs that the registrant be placed on three months probation, be fined \$100, and at the end of probation be required to give an oral presentation to the Advisory Committee on any two of the four publications recommended. Motion carried.

C05-81 BTR vs. James A. Brown, Land Surveyor #10045 and Civil Engineer #11292

It was moved by Ms. Finley and seconded by Mr. Riggs that the case be closed. Motion carried.

C13-81 BTR vs. Donald L. Ziemba, Civil Engineer #10301

It was moved by Ms. Finley and seconded by Mr. Riggs that the case be closed. Motion carried.

### III. REPORT OF RULES AND BY-LAWS COMMITTEE

Ms. Ross reported on the time table for submittal of rules to the Governor's Committee and Secretary of State. Mr. Nunn will be calling a meeting in the near future of the Rules Committee. It was recommended that both Mr. Gookin and Ms. Finley be added to the Rules Committee. The Committee to be composed of Chairman, Mr. Nunn, Mr. Brown, Mr. Earley, Mr. Gookin and Ms. Finley. It was moved by Mr. Earley and seconded by Mr. Gookin that the Rules Committee proceed to a rules submittal in its briefest form, that all other material be removed and that the rules be put into its very simple form. Motion failed. It was moved by Mr. Durand and seconded by Mr. Earley that the word "land" in land surveying should be deleted from the civil engineering section. Motion failed.

It was moved by Mr. Earley that the rules committee proceed to a rules submittal in its briefest form; that all other material be preserved and written into individual policy documents for presentation and adoption by the Board. Mr. Gookin seconded the motion. Motion failed. Mr. Durand abstained. 4-3.

The Board reviewed a number of other suggested changes and authorized the Rules Committee to make necessary changes to clean-up draft #4.

### IV. REPORT OF LEGISLATIVE COMMITTEE

The report was discussed by the Board and the following actions were taken: A. ARS 32-101: A motion by Mr. Palmer and seconded by Mr. Riggs that the words "bona fide employee" should be taken out of the draft legislation and included in the rules. Motion carried.

B. ARS 32-122 (new): It was moved by Mr. Gookin and seconded by Ms. Finley that experience credited by the Board must be attained under the direct supervision of a professional architect, engineer, etc. who is actively and lawfully practicing in the category in which the applicant is seeking registration. Motion passed. The Board discussed the draft and received input from the public. After discussion the Chairman entertained a motion from Mr. Palmer, seconded by Mr. Riggs, to amend the previous motion to permit one year of creditable experience to be gained under a registrant in another discipline regulated by the Board. Motion carried.

C. ARS 32-124: The Board discussed fees charged by the Board for the different exams and services rendered. The Board agreed to amend ARS 32-124 to provide specific dollar limitations on application and examination fees and to provide for recovery of costs.

D. ARS 32-126: Ms. Finley moved to strike the last part of 32-126 beginning with "if ... and ending with "rules". Seconded by Mr. Riggs. Motion carried. The effect of the motion was to delete the proposed provision for registration without examination for those legally exempted or practicing their professions in states without registration. It was moved by Ms. Finley and seconded by Mr. Riggs that the Board approve the language on sub-paragraph 2 of the new proposal relating to recognition of national certificates. Motion carried. It was moved by Mr. Nunn and seconded by Mr. Brown to adopt language providing that an individual registered in another state for 10 years may be granted registration without examination. Motion carried. It was moved by Mr. Nunn and seconded by Mr. Brown that if an applicant has been actively engaged in the category for at least 16 years and meets all other requirements for registration specified by the Board in its rules, he be granted registration without examination. Motion defeated. It was moved by Mr. Gookin and seconded by Mr. Nunn to amend proposed subsection B to allow waiver of the in-training exam if the applicant has satisfactory experience. The motion was amended to include "graduation from an accredited school" and thus to read: "The Board may waive the in-training examination for an applicant who has graduated from a school and curriculum approved by the Board as of satisfactory standing, provided, in addition, the applicant has actively engaged in the practice of his discipline for at least eight years." The motion was further amended by Mr. Gookin to require for 12 years of active engagement after graduation. Mr. Nunn accepted the amendments. Motion carried.

E. ARS 32-106: It was moved by Mr. Gookin and seconded by Mr. Nunn that language be drafted to authorize the employment of such personnel that may be necessary. Motion carried.

V. REPORT OF THE EVALUATION COMMITTEES:

A. Architectural Evaluation Committees A and B: It was moved by Mr. Nunn and seconded by Ms. Finley that the report of the Architectural Evaluation Committees A and B (pp<sup>5359-5360</sup>) be adopted and implemented, with the following amendments: 1. that the names shown on the addendum, #6 (A) (p ) be included as noted (8 under "examinations", 1 under "denials") and 2. that, in addition, the names of Johnson, Cruckmeyer and Marks be added to the list of those admitted to examinations A and B. Motion carried.

B. Landscape Architectural Evaluation Committee C: It was moved by Mr. Earley and seconded by Mr. Nunn that the report of the Landscape Evaluation Committee C (p<sup>5371</sup>) be adopted and implemented, with the following amendments: (1) that the name shown on the addendum, #6 (B) (p<sup>5370</sup>) be added to the report as noted (grant); and (2) that action on the application of Courtland Price Paul be deferred, pending receipt of advice from the Attorney General on the interpretation of ARS 32-126. Motion carried.

C. Engineering, Assaying and Geology Committees A, B, and C: It was moved by Mr. Nunn and seconded by Mr. Gookin that the report of the Engineering, Assaying and Geology Committees A, B, and C (pp<sup>5362-5364</sup>) be adopted and implemented, with the following amendments and notations: (1) that the applications of John Barnaby, Hironmoy Banerjee, Victor Robeson, Barton Wallace and Melvin Kohn be deferred, pending receipt of advice from the Attorney General on the interpretation of ARS 32-126, (2) that the appeal

of Mr. Ratay be denied and that the Board reaffirm its previous action of denying his application for failure to meet the requirements of the Board within a reasonable length of time; (3) that action on Mr. Mankes application be deferred pending receipt of information from Pennsylvania; (4) that the names shown on the addendum, #6 (C), (pp 5371+72) be added, as noted (10 grant, 5 examinations, 3 denial without prejudice); and (5) that the appeal of Gerald Orrison be accepted and that his name be added to the report and to the grant list. Motion carried. Mr. Riggs and Mr. Palmer declared conflicts of interest with regard to Mr. Robeson.

- D.
1. It was moved by Ms. Finley and seconded by Mr. Gookin that the Board request an oral opinion from the Attorney General regarding the interpretation of ARS 32-126, specifically whether it can be interpreted as substantially identical requirements at the time registration was granted. Motion carried.
  2. It was moved by Ms. Finley and seconded by Mr. Earley that the Attorney General be requested to provide a written opinion on the same subject. Motion carried.
  3. It was moved by Mr. Gookin and seconded by Ms. Finley that the Attorney General be requested to provide an oral opinion on the propriety of excusing an applicant with significant experience (30 years) from the in-training examination. Motion carried.
  4. It was moved by Mr. Gookin and seconded by Mr. Riggs that the Attorney General be requested to provide a written opinion on the same subject. Motion carried.

#### VI. REGISTRATIONS GRANTED

It was moved by Mr. Nunn and seconded by Ms. Finley that the applicants shown on grant list (pp 5369-70) and on the addendum, #d, (p 5372) be granted registration as noted and the name Gerald Orrison be included on the addendum grant list under "Civil Engineer" and that he be assigned registration number 14228. Motion carried.

#### VII. BUDGET COMMITTEE

Ms. Ross stated that the appropriations request was submitted October 1 and that the Board members had each been contacted by telephone regarding the request. Mr. Earley stated that he would like to have a meeting at an early date to make some recommendations to the Board and file some amendments to the budget request and moved that such a meeting of the budget committee be held as soon as possible. Seconded by Mr. Gookin. Motion carried.

#### VIII. REPORT OF THE CHAIRMAN

COMPENSATION: Dr. O'Bannon stated that Board members are entitled to compensation not to exceed \$30 a day while actually attending Board meetings or participating in other official functions as defined by the Board. He recommended the following policy be adopted: that in addition to compensation for attending regular and special Board meetings, members may be compensated for attending any noticed meeting of a standing, special or advisory committee to which they have been duly appointed or at which their presence has been specifically requested by the Board chairman or committee chairman and the executive director. In addition, a member may receive compensation on an hourly pro-rated bases for special services rendered the Board, for example: review of examinations results with applicants when so requested. Dr. O'Bannon explained that the adoption of such a policy was

necessary to define the terms and conditions of compensation and to avoid the possibility of audit exceptions for unauthorized expenditures. He made this as a policy statement and requested Board input on it. It was moved by Mr. Gookin and seconded by Mr. Earley that Board members be paid the full \$30 for all meetings. Motion carried.

TELEPHONE USAGE: Dr. O'Bannon stated that a toll-free number for in-state calls, 1-800-352-8400, is available and should be used.

LOBBYING: Dr. O'Bannon requested that the Board adopt a policy whereby all lobbying on behalf of the Board be first cleared through the Chairman or the executive director; however, he emphasized that he did not mean to suggest that a Board member acting as a private citizen should be restricted in supporting any legislation he or she wishes to support, but that the Board member in those cases should clearly identify himself or herself as a private citizen, not as a Board member. After discussion, Mr. Riggs moved that all Board members should work together and coordinate their lobbying efforts. Ms. Finley seconded the motion. Motion carried.

IX. REPORT OF THE EXECUTIVE DIRECTOR

- A. Joint Committee of Reference: The Committee has continued the hearing until December 8 since everyone had not had an opportunity to address the Committee during the first day of hearings.
- B. Cut-off date for acceptance of applications: Staff continues to have problems with late applications. Mr. Nunn moved that 45 days prior to a regular Board meeting be established as a cut-off for completion of applications. Mr. Earley seconded the motion. Motion carried. Ms. Ross explained that forms and notices would have to be adjusted before cut-off could be implemented.
- C. Personnel Up-grades: Ms. Ross discussed the deliberations with State Personnel over position up-grades. She noted that Personnel had agreed to reclassify one Examiner Technician I position to an Examiner Technician II and that she was awaiting action on the Investigator position.
- D. Geology Examinations: Ms. Ross recommended that the Board reaffirm the decision to establish a committee to evaluate and re-write the geology examinations. The Board reaffirmed its previous action and asked Ms. Ross to implement the policy.

X. UNFINISHED BUSINESS

- A. Advisory Committee Appointments: Due to the late hour, the Board deferred action on the appointments until the next meeting.
- B. Bonnie Bartak Contract: Mr. Earley wanted to know the status of the contract and if Ms. Bartak was being used to provide public information. Ms. Ross stated that she hoped to handle the public information function in-house.
- C. Land Surveyor Litigation: Mr. Riggs stated that Ms. Finley had left and he and Mr. Durand would offer two motions, authored by Ms. Finley, regarding the Land Surveyor litigation:
  1. It was moved by Mr. Riggs and seconded by Mr. Durand that, with respect to the Land Surveyor litigation, the Board receive copies of the opening brief, response and reply brief and copies of the judge's decision, if in writing. Motion carried.

2. It was moved by Mr. Durand and seconded by Mr. Gookin that only the substantive issue of whether the Board has the statutory authority to blanket test land surveyors be addressed in the Board's answering brief and in any oral arguments before the court - any procedural arguments are not to be raised. Motion carried.

XI. NEW BUSINESS

Board meetings: It was moved by Mr. Nunn and seconded by Mr. Durand that the following meeting dates and locations be set for 1982:

1. March 5, 1982 - Tucson
2. June 4, 1982 - Phoenix
3. September 10, 1982 - Flagstaff
4. December 3, 1982 - Tempe (ASU)

XII. PUBLIC COMMENT

Public comment had been accepted throughout the meeting.

XIII. ADJOURNMENT:

It was moved by Mr. Nunn and seconded by Mr. Gookin that the meeting be adjourned. - Motion carried. Approximately 7:00 pm.

TO: Board of Technical Registration  
 FROM: Architectural Evaluation Committee "A" and "B"  
 SUBJECT: Evaluation of Applicants

The Architectural Evaluation Committee B met on November 17, 1981, in Phoenix, Arizona, and Committee A met on November 18, 1981, in Tucson, Arizona, with the following members Present:

November 17, 1981 - Jimmie Nunn, Silas Brown, and C. E. O'Bannon  
 November 18, 1981 - John B. Riggs, Hector Durand and Stewart R. Palmer

1. The following applicants satisfied the committee they are fully qualified (including the treatise on seismic forces) to receive architectural registration in Arizona under A.R.S. 32-123.A and A.R.S. 32-126, and are hereby recommended for registration:

Barancik, Richard Morton	81-720	Millsap, John Edgar	81-819
Beitz, William Joseph, Jr.	81-541	Mims, William Edward	81-697
Bergner, Paul Thomas	81-648	Moles, Clifford Wayne	81-284
Bradburn, James H.	81-754	Morgan, Patrick Olen	81-657
Collier, Garth	81-505	Moriarty, Gary Steven	81-721
Collins, William Wayne	81-393	Overpeck, Warren Frazier	81-704
Contopoulos, Marios A.	81-615	Paddon, Jack Arthur	81-540
Cox, Thomas Philip	81-531	Ruliffson, Ralph R.	81-800
Dickens, William B.	81-716	Stearns, Leland W.	81-774
Fentress, Curtis Worth	81-755	Tang, Jarvis	81-671
Franklin, George W.	81-694	Werner, David Earl	81-626
Griffin, Charles O.	81-798		
Huettenrauch, Clarence	81-687		
Kunihiro, George Takehiko	81-595		
Liebig, Hans J.	81-463		

2. The following applicants need demonstration of additional evidence of their proficiency (A.R.S. 32-123.B), and it is recommended to the Board that these individuals be held for written examinations in December 1981, and June, 1982:

Ahuero, Robert L.	81-624	Prof. A,B and Qual. A,B,C,D
Andros, Stephen John	81-487	Prof. B
Beach, Richard A.	81-575	Prof. A,B and Qual. A,B,C,D
Bender, Shirley	81-792	Prof. A,B
Benton, Jon Michael	81-707	Prof. B
Bollogh, Richard William	81-534	Prof. B
Casey, George H., II	81-810	Prof. B
Chonka, John E.	81-623	Prof. B
Christensen, Alan Robert	81-679	Prof. B
Cooper, Clifford B.	81-630	Prof. B
Coor, Roger Bryan	81-731	Prof. B
Craig, William F.	81-625	Prof. B
Gallegos, Philip Robert	81-666	Prof. B
Goldstein, Gene	81-686	Prof. B
Gould, John Willard	81-640	Prof. A,B
Graham, Bradley H.	81-654	Prof. A,B and Qual. B

## 2. Continued....

Gualda, Fred Hernan	81-695	Prof. A,B
Harrison, John Stanley	81-655	Prof. B
Heger, John Harold	81-561	Prof. A,B
Hessenius, Phillip Jon	81-414	Prof. A,B
Kennedy, Glenn Ray	81-529	Qual. B and Prof. A
Kessler, Helen Joyce	81-506	Prof. B
Lai, Eric Siu-Hong	81-757	Prof. A,B
Lara, Robert G.	81-780	Prof. B
Larsen, William Frederick	81-703	Prof. B
Lonchar, Wayne M.	81-739	Prof. B
Ludwig, John P.	81-629	Prof. B
Magness, Bobby Lee	81-592	Prof. B
Manross, John C.	81-647	Prof. B and Qual. A
Masse, Paul H.	81-495	Prof. B
Meyer, James C.M.	81-696	Prof. A,B
Montello, James Randall	81-682	Prof. B
Murphy, Neil E.	81-639	Prof. B
Murray, Susan Gayle	81-596	Prof. A,B
Oliver, Brian D.	81-719	Prof. A,B
Palmer, Gerald Richard	81-667	Prof. B
Parks, Karyn Ann	81-675	Prof. B
Pickard, Michael James	81-676	Prof. B
Porter, Marley Ervin	81-759	Prof. B
Pruneau, Michael J.	81-689	Prof. A,B
Rodriguez, Tony F.	81-627	Prof. B
Sarela, Rahib Siraj	81-509	Prof. B
Taylor, William R.	81-691	Prof. A,B
Thomas, Abraham	81-752	Prof. A,B
Wagner, Paul Walter	81-737	Prof. B
Wedding, Randy J.	81-628	Prof. A,B
Wulf, Verner W.	81-622	Prof. B
Young, Jerry Irving	81-738	Prof. B

## 3. The following applicants were reviewed by the Committee, and it was determined that their applications should be denied for lack of experience under A.R.S. 32-122.A, indicating the number of months needed:

Markling, Gregory J.	81-535	14 months
Pignetti, Joseph Martin	81-536	15 months

TO: Board of Technical Registration  
 FROM: Landscape Architectural Evaluation Committee "C"  
 SUBJECT: Evaluation of Applicants

The Landscape Architectural Evaluation Committee C met November 19, 1981, in Phoenix, Arizona, with the following members present:

November 19, 1981 - Wayne O. Earley, W. S. Gookin & Patricia Finley

1. The following applicants, having satisfied the Committee they are fully qualified to receive registration in Arizona under A.R.S. 32-123.A and A.R.S. 32-126 are hereby recommended for registration:

Hadfield, R. Dale	81-597
Taylor, Dennis Michael	81-542
Weedon, Daniel L.	81-619
Winkler, Bradley A.	81-631
<i>Price, Richard A.</i>	<i>81-787</i>

2. The following applicants need demonstration of additional evidence of their proficiency (A.R.S. 32-123.B), and it is recommended to the Board that these individuals be held for the examinations in June, 1982:

Fernandez, Joseph Ferriera	81-728	Parts A,B,C,D
Paul, Courtland Price	81-608	Parts A,B,C,D <i>tabled</i>

<i>...</i>	<i>81-703</i>
<i>...</i>	<i>81-680</i>
<i>...</i>	<i>81-546</i>
<i>...</i>	<i>81-547</i>
<i>...</i>	<i>81-626</i>
<i>...</i>	<i>81-573</i>
<i>...</i>	<i>81-605</i>
<i>...</i>	<i>81-570</i>
<i>...</i>	<i>81-539</i>
<i>...</i>	<i>81-511</i>
<i>...</i>	<i>81-572</i>
<i>...</i>	<i>81-571</i>
<i>...</i>	<i>81-524</i>
<i>...</i>	<i>81-674</i>
<i>...</i>	<i>81-480</i>
<i>...</i>	<i>81-509</i>
<i>...</i>	<i>81-720</i>
<i>...</i>	<i>81-753</i>
<i>...</i>	<i>81-678</i>
<i>...</i>	<i>81-515</i>
<i>...</i>	<i>81-682</i>
<i>...</i>	<i>81-647</i>
<i>...</i>	<i>81-628</i>
<i>...</i>	<i>81-552</i>
<i>...</i>	<i>81-583</i>
<i>...</i>	<i>81-781</i>

<i>...</i>	<i>81-732</i>
<i>...</i>	<i>81-613</i>
<i>...</i>	<i>81-562</i>
<i>...</i>	<i>81-514</i>
<i>...</i>	<i>81-424</i>
<i>...</i>	<i>81-587</i>
<i>...</i>	<i>81-455</i>

MINING ENGINEERING  
 Versake, Harold Earl 81-706

STRUCTURAL ENGINEERING  
 Bar, Rodney Martin 81-551  
 Grayner, George W 81-670  
 Hoffman, Edward S 81-523  
 Johnson, James Howard 81-686  
 Smith, William Richard 81-785

ASBESTOS  
 Condit, John Michael 81-729  
 Cook, Robert George 81-510

GEOLGY  
 Seltzer, Donald Richard 81-679

15362

Page 10

TO: Board of Technical Registration  
 FROM: Engineering, Assaying and Geology Committees "A" "B" and "C"  
 SUBJECT: Evaluation of Applicants

The Committees met on November 17 and 19, 1981, in Phoenix, Arizona, and on November 18, 1981, in Tucson, Arizona, with the following members present:

November 17, 1981 - C. E. O'Bannon, Silas Brown and Jimmie Nunn  
 November 18, 1981 - Stewart R. Palmer, Hector Durand and John B. Riggs  
 November 19, 1981 - W. S. Gookin, Wayne Earley and Patricia Finley

1. The following applicants, having satisfied the Committee they are fully qualified to receive registration in Arizona under A.R.S. 32-123.A and A.R.S. 32-126, are hereby recommended for registration:

CHEMICAL ENGINEERING

Zabban, Walter 81-786

CIVIL ENGINEERING

Axten, Gregory Wayne 81-453

Bowker, Margaret Fae 81-411

Cangiano, Vincent Mauro 81-765

Carpita, James Bryan 81-573

Couch, William Thomas 81-562

Danos, Vlassios Constantine 81-599

Delarose, Ronald Richard 81-554

Dondanville, Laurence A. 81-645

Eckhoff, Gerald Julius 81-723

Garcia, Joseph John 81-486

Grendell, Eric Allen 81-546

Hall, James Dart 81-547

Harrison, John R. 81-038

Haslup, John G. 81-673

Hejnen, Elwyn Victor 81-405

Hemesath, Michael Joseph 81-570

Liang, Wen-Sheng 81-339

Lochner, Harry William Jr. 81-611

McMullen, William B. 81-572

Magowan, George Stanley 81-571

Mancini, William B. 81-524

Mikitowicz, Walter M. 81-674

Mirsky, Melvin 81-480

Nielsen, George Valdemar 81-589

Paulsgrove, Gene Alan 81-338

Preul, Herbert C. 81-253

Rogers, John B. 81-678

Sacan, Ronald Bulado 81-515

Tansley, Roger Stewart 81-662

Tanenbaum, Ronald J. 81-649

Thorpe, Lynn R. 81-582

van Zyl, Dirk J.A. 81-552

Wilding, David Malin 81-383

Youngs, Jack R. 81-793

ELECTRICAL ENGINEERING

Burnside, Mars 81-652

Hansen, Thomas Noble 81-470

Helser, Fred Daniel, Jr. 81-528

Howe, Wyatt Stephen 81-435

Lodolo, Lawrence Angelo 81-518

Lydecker, Warrn M. 81-712

Owens, Steven Thomas 81-594

Reiss, William K. 81-325

Safiullah, Abu Khaled Md. 81-660

MECHANICAL ENGINEERING

Bernhardt, Richard Paul 81-332

Collins, Thomas Henry 81-613

Duzy, Albert F., Sr. 81-563

Klement, Charles Arthur 81-574

Madsen, Wayne Kent 81-434

Rowland, George Evan 81-567

Williams, Terrell Wayne 81-455

MINING ENGINEERING

Versaw, Ronald Earl 81-736

STRUCTURAL ENGINEERING

Ems, Rodney Martin 81-551

Grayner, George H. 81-632

Hoffman, Edward S. 81-533

Johnson, James Raymond 81-466

Shell, William Orchard 81-705

ASSAYING

Connett, John Michael 81-730

Crook, Robert George 81-518

GEOLOGY

Metzler, Donald Richard 81-499

2. The Committee recommends the following applicants receive registration in Arizona under A.R.S. 32-101.A and A.R.S. 32-123.A and are hereby recommended for registration:

Barnaby, John F.	81-400	Mechanical Engineer	} deferred, pending advice from the Attorney General
Banerjee, Hironmoy	81-297	Electrical Engineer	
Robeson, Victor Eugene	81-416	Electrical Engineer	
Wallace, Barton B., Jr.	81-460	Mechanical Engineer	

3. The Committee recommends full Board review of the following applicant:

Kohn, Melvin J.	81-656	Civil Engineer	} deferred, pending advice from the Attorney General
-----------------	--------	----------------	------------------------------------------------------------

4. The following applicants need demonstration of additional evidence of their proficiency (A.R.S. 32-123.B), and it is recommended to the Board that these individuals be held for examinations as indicated:

CHEMICAL ENGINEERING

Cummings, Charles M.	81-653	Parts 1, 2, 3 and 4
----------------------	--------	---------------------

CIVIL ENGINEERING

Benally, Raymond	81-646	Parts 3 and 4
Bhesania, Marazban Jalejar	81-512	Parts 3 and 4
Doell, Richard William	81-560	Parts 3 and 4
Griess, Steven Allan	81-523	Parts 3 and 4
Hotchkiss, Donald LeRoy, Jr.	81-579	Parts 3 and 4
Lundgren, Samuel Gustaf	81-559	Parts 3 and 4
Robinson, Frank Clarence	81-522	Parts 1, 2, 3 and 4
Von Pein, Richard Thomas	81-590	Parts 3 and 4

ELECTRICAL ENGINEERING

Farber, Victor Lawrence	81-492	Parts 1, 2, 3 and 4
Johnson, James S.	81-383	Parts 3 and 4

MECHANICAL ENGINEERING

Dugan, Patrick W.	81-617	Parts 1, 2, 3 and 4
Henry, Robert W.	81-601	Parts 3 and 4

METALLURGICAL ENGINEERING

Hillman, Harry F.	81-718	Parts 3 and 4
-------------------	--------	---------------

STRUCTURAL ENGINEERING

Mabin, Clarence Lee	81-421	Parts 5 and 6
Mancini, William B.	81-443	Parts 5 and 6
Schmid, Gregory Scott	81-568	Parts 5 and 6
Show, Jesse	81-581	Parts 5 and 6
Turton, Robert Davis	81-583	Parts 3, 4, 5 and 6

GEOLOGY

Jones, James George	81-537	Parts 1, 2, 3 and 4
Wold, Paul Donald	81-498	Parts 1, 2, 3 and 4

- 5. The following applicants were reviewed by the Committee, and it was determined that their applications should be denied for lack of experience under A.R.S. 32-122.A, indicating the number of years needed:

CIVIL ENGINEER

Hansen, Thomas Noble	81-476	7 years
Siegfried, Jack Allison	81-591	1 year

GEOLOGIST

Lemmon, James Joseph	81-604	2 years
----------------------	--------	---------

- 6. The following applicant was denied by the Board at their September 18, 1981 meeting for failure to complete the requirements of the Board within a reasonable length of time and his letter of appeal is attached:

Robert T. Ratay	80-616	Structural Engineer	} appeal denied
-----------------	--------	---------------------	-----------------

- 7. The following applicant was reviewed by the Committee at its November 18, 1981 meeting and registration was recommended pending: (1) verification of registration status from California and Pennsylvania and (2) clarification by the Board of its policy regarding "valid and subsisting certificates of registration (ARS 32-126). The applicant holds a valid and subsisting certificate of registration from Pennsylvania (apparently obtained through reciprocity - verification is pending), but his original state of registration was California. His California registration has lapsed for nonpayment, and California has verbally informed staff that he must be re-examined to regain registration there. The question is whether the applicant meets the requirement for registration by reciprocity of holding a "valid and subsisting certificate of registration issued by another state or foreign country which has requirements for registration substantially identical to those of this state..."?

Jack A. Mankes	81-362	Mechanical Engineer	} deferred, pending receipt of information from Penn.
----------------	--------	---------------------	-------------------------------------------------------

*[Handwritten signature]*  
 Robert T. Ratay

Severud  
Perrone  
Szegezdy  
Sturm

CONSULTING ENGINEERS P.C.

485 Fifth Avenue • New York, New York 10017 • (212) 986-3700

15385

Partners

Tibor Szegezdy  
Alfred J. Perrone  
Werner C. Sturm  
Fred Severud  
Ronald C. Denger  
John J. Cryan

Consultants

Fred N. Severud  
Dr. Robert T. Ratay  
Julian J. Karp

Associate Partners

Richard J. Genova  
William Gerber  
Edward M. Messina  
John A. Muller  
Tibor Van

September 28, 1981

Re: #3234

State of Arizona  
Board of Technical Registration  
1645 W. Jefferson, Suite 315  
Phoenix, ARIZONA 85007

Attention: Ms. Judi Ross, Executive Director

Gentlemen:

I just received your letter of September 18, 1981, informing me that my application for professional engineering registration was denied due to my "failure to complete the requirements of the Board within a reasonable length of time."

I had my personal audience with the Engineering Evaluation Committee on November 19, 1980. I was directed to take the written examinations of Parts 5 and 6. I was not aware that there was a time limit for taking the examinations.

At the time of last April's examination I was abroad on a project, and on October 29, the date of the next written examination, I will again be overseas on a project.

I request the Board to allow me the opportunity of completing the requirements by taking the Parts 5 and 6 written examinations on the next possible date.

Very truly yours,

SEVERUD-PERRONE-SZEGEZDY-STURM

*R. T. Ratay*  
Dr. Robert T. Ratay

rtr:ek

R4-32-104 Reg. Advis. Comm.

A non-technical member would be useless on the application review committee. They would have no basis on which to evaluate an applicant's professional experience or education background. If a public member is placed on the committee he or she should be a non-registered person with experience or education in that field.

R4-32-206 Enforce. Advis. Comm.

Same comments as above.

R4-32-206 Out-of-State

Since Arizona and all other states do not use a standardized test, there is no direct or easy determination if the tests are equivalent. There are no standards set for the Arizona test and no standards or requirements defined for out-of-state tests. This section seems most appropriate for the engineers who have national tests. The section was copied and only the name changed. A definition of standards for comparison of tests is required.

R4-32-207 Foreign

Same comments as above. This evaluation is even more complicated because of the lack of knowledge of what is included in foreign geology tests.

R4-32-342 Geol.-in-Train.A. General

School accreditation date limit of Jan 1, 1982 is arbitrary and must be deleted. There is no provision should a school gain or lose its

accreditation after the arbitrary date.

The list of regionally-accredited programs is not defined as to the extent of the region. The basis for comparison is not defined. Categories such as course titles, course description, credit hours, or such could all be used. It should be applied to regional school accreditation at the time of graduation.

### B. Examination

If the title "Fundamentals of Geology, Arizona" refers to the location of the test there is no problem.

If it means the test will cover only Arizona geology, the word Arizona must be deleted. This state does not include all aspects of geology.

It is arbitrary to test only on Arizona geology and still allow registration pursuant to R4-32-206 and R4-32-207 without a test on Arizona geology.

### R4-32-244 Geol. Reg. Req.

#### A. General

A person's moral character and repute has no bearing on professional qualifications. No standards are given for defining or evaluating moral character or repute. Without standards this is an arbitrary judgment and should be deleted.

#### B. Experience

Same comments on accreditation as were given for R4-32-342

### 7. Experience related engineering

The related branches of engineering as considered by the Board. Such related branches should include Geological Engineering, Geophysical Engineering, Mining

Engineering and Petroleum Engineering. Assay work should also be included.

### C, Examination

Comments relative to the topic titles are the same as given for R4-32-342 Section B. Part III was given, as was the Goal, in Training test, as a no reference test. References were allowed for Part IV. Other registration sections, i.e., engineering, etc., permitted references. This is an unusual testing requirement, it should be clarified in these rules.

### R4-32-305 Conduct

#### Section 8.

This section is written such that a geologist working for a materials supplier could not accept pay or bonus from his or her employer for selling or promoting their products. This is not the intent of this section but it could be interpreted as such.

### R4-32-101 Definitions

6. The felony clause should not have a time limit. If the felony is related directly to professional practice an application should be rejected and registration if held should be revoked. Any other felony should carry the provision that an application can not be accepted while the applicant is in prison serving time for a felony.

15369

GRANTED REGISTRATIONARCHITECT

Barancik, Richard Morton	14223
Beitz, William Joseph Jr.	14224
Bergner, Paul Thomas	14225
Bradburn, James H.	14226
Collier, Garth	14227
Collins, William Wayne	14228
Contopoulos, Marios A.	14229
Cox, Thomas Philip	14230
Dickens, William B.	14231
Fentress, Curtis Worth	14232
Franklin, George W.	14233
Griffin, Charles O.	14234
Huttenrauch, Clarence	14235
Kunihiro, George Takenhiko	14236
Liebig, Hans J.	14237
Millsap, John Edgar	14238
Mims, William Edward	14239
Moles, Clifford Wayne	14240
Morgan, Patrick Olen	14241
Moriarty, Gary Steven	14242
Overpeck, Warren Frazier	14243
Paddon, Jack Arthur	14244
Ruliffson, Ralph R.	14245
Stearns, Leland W.	14246
Tang, Jarvis	14247
Werner, David Earl	14248

LANDSCAPE ARCHITECT

Hadfield, R. Dale	14249
Taylor, Dennis Michael	14250
Weedon, Daniel L.	14251
Winkler, Bradley A.	14252

CHEMICAL ENGINEER

Zabban, Walter	14253
----------------	-------

CIVIL ENGINEER

Axten, Gregory Wayne	14254
Bowker, Margaret Fae	14255
Cangiano, Vincent M.	14256
Carpita, James B.	14257
Couch, William T.	14258
Danos, Vlassios C.	14259
Delarose, Ronald R.	14260
Dondanville, Laurence A.	14261
Eckhoff, Gerald J.	14262
Garcia, Joseph J.	14263
Grendell, Eric A.	14264
Hall, James D.	14265
Harrison, John R.	14266
Haslup, John G.	14267
Heinen, Elwyn V.	14268
Hemesath, Michael J.	14269
Liang, Wen-Sheng	14270
Lochner, Harry W., Jr.	14271
McMullen, William B.	14272
Magowan, George S.	14273
Mancini, William B.	14274
Mikitowicz, Walter M.	14275
Mirsky, Melvin	14276
Nielsen, George V.	14277
Paulsgrove, Gene A.	14278
Preul, Herbert C.	14279
Rogers, John B.	14280
Sacan, Ronald B.	14281
Tansley, Roger S.	14282
Tanenbaum, Ronald J.	14283
Thorpe, Lynn R.	14284
Van Zyl, Dirk J.A.	14285
Wilding, David M.	14286
Youngs, Jack R.	14287

ELECTRICAL

<del>Ornison, Gerald K.</del>	<del>14288</del>
<del>Banerjee, Hironmoy</del>	<del>14288</del>
Burnside, Mars	14289
Hansen, Thomas N.	14290
Helser, Fred D., Jr.	14291
Howe, Wyatt S.	14292
Lodolo, Lawrence A.	14293
Lydecker, Warren M.	14294
Owens, Steven T.	14295

ELECTRICAL (CONT'T)

Reiss, William K. 14296  
~~Robeson, Victor E. 14297~~ -deferred  
 Safiullah, Abu K. 14298

MECHANICAL

~~Barnaby, John F. 14299~~ -deferred  
 Bernhardt, Richard 14300  
 Collins, Thomas H. 14301  
 Duzy, Albert F., Sr. 14302  
 Klement, Charles 14303  
 Madsen, Wayne K. 14304  
 Rowland, George E. 14305  
~~Wallace, Barton 14306~~ - deferred  
 Williams, Terrell W. 14307

MINING

Versaw, Ronald E. 14308

STRUCTURAL

Ems, Rodney M. 14309  
 Grayner, Geroge H. 14310  
 Hoffman, Edward S. 14311  
 Johnson, James R. 14312  
 Shell, William O. 14313

ASSAYER

Connell, John M. 14314  
 Crook, Robert G. 14315

GEOLOGIST

Metzler, Donald R. 14316

ENGINEER-IN-TRAINING

Alexander-Frutschi, Marc 2527  
 Beltran, Raymond E. 2528  
 Blackford, Robert 2529  
 Campbell, James D. 2530  
 Collins, James F. 2531  
 Chalmers, Mark S. 2532  
 Cavanaugh, Timothy 2533  
 Cunningham, William 2534  
 Drake, Thomas 2535  
 Donnelly, Dale C. 2536  
 Flick, Matthew Wayne 2537  
 Hatcher, Stephen R. 2538  
 Hoffman, Peter D. 2539  
 Hubbard, Michael G. 2540  
 Julian, Ronald G. 2541  
 Kempner, Alan 2542  
 Knaak, Carl Ralph 2543  
 Koski, Paul J. 2544  
 Lubbe, James N. 2545  
 Lauger, John B. 2546  
 McMahon, Daniel E. 2547  
 McDonnell, David I. 2548  
 Muffly, Chris J. 2549  
 Mills, James 2550  
 Nguyen, Phong Dang 2551  
 Navratil, Richard D. 2552  
 Nichol, Richard 2553  
 Norton, R. Steve 2554  
 Paisola, Valerie 2555  
 Pflum, Mark E. 2556  
 Peterson, David S. 2557  
 Ramirez, Samuel A. 2558  
 Reigel, John P. 2559  
 Robertson, Joanna M. 2560  
 Roknich, Mark 2561  
 Royer, Duane R. 2562  
 Talbert, Paul B. 2563  
 Udall, Sidney P. 2564  
 Vercauteren, Kenneth 2565  
 Watson, John Earl 2566  
 Waterson, Charles 2567  
 Welp, Katherine 2568  
 Zappia, Gino Francis 2569

## ADDENDUM TO AGENDA OF DECEMBER 4, 1981

## 6. REPORT OF THE EVALUATION COMMITTEES (Page 2 of Agenda)

## A. To the Architectural Evaluation Report add the following applicants to No. 2 (examinations):

Johnson, Robert P.	81-680	Prof. A, B	
Campos, Xavier S.	81-714	Prof. A,B	
Cawley, Sherman, II	81-794	Prof. A,B	
Click, Larry James	81-322	Prof. B	
Harris, Jon McAllister	81-576	Prof. B	
Jordan, Arthur M., Jr.	81-828	Prof. A,B	Marks, Randall J. 81-770
Mullins, Paul Michael	81-683	Prof. B	Prof. A, B
Schmitt, Daniel L.	81-698	Prof. A,B	
Singer, Robert Pierce	81-684	Prof. B	
Kruchmeyer, Korey	81-769	Prof. A,B	

To the same report add the following applicant to No. 3 (denials):

Meigs, James Burrell, III 81-277 13 months

## B. To the Landscape Architectural Report add the following applicant to No. 1 (granted):

Price, Richard Alan 81-784

## C. To the Engineering, Assaying &amp; Geology Report add the following applicants to No. 1 (granted):

CIVIL ENGINEERING

Clark, William R.	81-805
Decker, Dale S.	81-788
Harvie, Donald Warren	81-672
Petroelke, Robin Lee	81-545
Roberts, George Cooper	81-690

MECHANICAL ENGINEERING

Sutherland, Jeff L. 81-699

MINING ENGINEERING

Strid, Eldon Duane 81-663

ASSAYER

Trujillo, Julio 81-475

ELECTRICAL ENGINEERING

Becherer, Robert J.r	81-380
Mikulich, Victor E.	81-831

To the same report add the following applicants to No. 4 (examinations):

CIVIL ENGINEERING

Palma, Raul B.	81-504	Parts 1, 2, 3 and 4
Brightly, Leonard I.	81-602	Parts 1, 2, 3 and 4

ELECTRICAL ENGINEERING

Gerlach, Dennis Wayne 81-746 Parts 3 and 4

MECHANICAL ENGINEERING

Buck, Gregory Allen	81-742	Parts 3 and 4
Worley, Roger Dale	81-692	Parts 3 and 4

C. Add No. 8. The following applicants should be denied registration with neither prejudice nor refund at their own request:

Berthot, Charles A.	78-435	Civil Engineer
Lawrence, William, Jr.	79-381	Electrical Engineer
Neville, Augustus, III	81-248	Structural Engineer

Add No. 9. The following applicant was denied registration as a Civil Engineer by the Board at their February 22, 1980 meeting for lack of experience of a character satisfactory to the Board, and his letter of appeal is attached.

Orrison, Gerald K.	02965	Civil Engineer	} appeal granted add to granted list
--------------------	-------	----------------	--------------------------------------------

D. Add the following applicants for granting of registration:

ASSAYER

Trujillo, Julio 14318

MECHANICAL ENGINEER

Sutherland, Jeff L. 14327

CIVIL ENGINEER

Clark, William R. 14319  
Decker, Dale S. 14320  
Harvie, Donald Warren 14321  
Petroelke, Robin Lee 14322  
Roberts, George Cooper 14323  
Orrison, Gerald K. 14228

MINING ENGINEER

Strid, Eldon Duane 14328

ENGINEER-IN-TRAINING

England, Leonard J. 2572  
Flynn, William 2573  
Meching, Charles S. 2574  
Pearson, Chet Lloyd 2575  
Reaves, William T. III 2576

ELECTRICAL ENGINEER

Becherer, Robert J. 14324  
Mikulich, Victor E. 14325

LANDSCAPE ARCHITECT

Price, Richard Alan 14326

11. UNFINISHED BUSINESS

Disposition of Litigation - Pat Finley

November 19, 1981

State of Arizona  
Board of Technical Registration  
1645 West Jefferson, Suite 315  
Phoenix, AZ 85507

Gentlemen:

Your letter of October 13, 1981 is the only communication I have received since Mr. Edson's letter of October 6, 1980 stating that my request for reconsideration would be on the agenda of the December 5, 1980 regular meeting.

My file shows the following sequence of correspondence:

1. My application dated October 8, 1979.
2. Your letter of October 12, 1979 acknowledging receipt of my application.
3. Your letter of January 4, 1980 scheduling my personal audience with the Evaluation Committee.
4. My letter of February 7, 1980 declining to change my branch.
5. Your letter of February 25, 1980 stating that my application had been denied.
6. My letter of April 10, 1980 requesting reconsideration.
7. My letter of September 26, 1980 again requesting reconsideration.
8. Your letter of October 6, 1980.
9. Your letter of October 13, 1981.

I am pleased to hear that the board has undergone a complete reorganization and trust that the new board will be more responsive in this matter and on reconsidering my application, will grant my request for registration.

Sincerely,

*Gerald K. Orrison*

Gerald K. Orrison



State of Arizona  
BOARD OF TECHNICAL REGISTRATION

05374

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS  
1645 W. JEFFERSON, SUITE 315 • PHOENIX, ARIZONA 85007 • (602) 255-4053

October 13, 1981

Gerald K. Orrison  
5971 Treetop Circle  
Huntington Beach, CA 92649

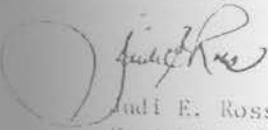
Dear Mr. Orrison:

The Arizona Board of Technical Registration has undergone a complete reorganization within the past few months. In an effort to clear up applicants' files, we have been reviewing them for possible action. We found that you wrote a letter, dated September 26, 1980, requesting reconsideration of your application, and that Mr. Mark Edson, the former Executive Director, had responded, stating that your request would be on the agenda of the December 5, 1980 regular meeting.

We could find no documentation relating to the disposition of your appeal. If you have received any further material, we would appreciate you forwarding copies to us.

Please accept our apologies for the confusion; however, in the best interests of our applicants, we are attempting to ensure that all files are current and any pending actions resolved. We thank you for your assistance.

Sincerely,

  
Judi E. Ross  
Executive Director

JER:mh



State of Arizona  
BOARD OF TECHNICAL REGISTRATION

5375

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS  
1645 W. JEFFERSON, SUITE 315 • PHOENIX, ARIZONA 85007 • (602) 255-4053

October 6, 1980

Gerald K. Orrison  
5971 Treetop Circle  
Huntington Beach, CA 92649

Dear Mr. Orrison:

I will bring your request for reconsideration to the attention of the Board on the agenda of their December 5, 1980 regular meeting.

Very truly yours,

F. Mark Edson  
Executive Director

FME:ld

Notes for Bd Agenda  
Dec 5 1980

5376

File - D - 2965

September 26, 1980

Arizona State Board of  
Technical Registration  
1645 West Jefferson, Suite 315  
Phoenix, AZ 85007

Gentlemen:

Since I have not received a response to my letter of April 10, 1980 requesting reconsideration of my application I assume the matter is still pending and wish to make additional comments.

I have reviewed the performance audit of the State Board of Technical Registration as prepared by the Office of the Auditor General. I see a great degree of similarity between my situation and cases 1 and 2 as reported on pages 49 and 50 of their report. Case 1 appears to be particularly appropriate since the evaluation committee felt the applicants experience qualified him for the Structural Engineering Examination but not the Civil Engineering Examination. However, on reconsideration the full board voted to license the applicant as a Civil Engineer based on his prior examination and licensure in another state. Such action is what I requested in my letter of April 10 and what I am requesting now, based on my registration as a Civil Engineer in nine states.

It appears from the report that the primary difference between my case and the case cited is that I was not persuaded to change my application from civil to structural engineering. If in fact that is the primary difference, the board would definitely seem to be acting in an arbitrary and capricious manner if they were to deny my application.

I trust that you will consider these additional points and render a favorable ruling in this matter.

Sincerely,

*Gerald K. Orrison*

Gerald K. Orrison

js

# SOULÉ BUILDINGS

A DIVISION OF SOULÉ STEEL COMPANY

79-673

D 2965

15377

April 10, 1980

Arizona State Board of  
Technical Registration  
1645 West Jefferson, Suite 315  
Phoenix, Arizona 85007

RECEIVED

APR 14

Gentlemen:

In response to your letter of February 25, 1980, I hereby request that you reconsider my application for registration as a Civil Engineer as provided for in section R4-30-02 of the rules of the board. I do not know that a personal appearance is necessary, but if you would prefer that I make one I would be glad to do so. In any event, I wish to make several comments.

The idea that I lack experience as a Civil Engineer, because most of my experience has been in the structural area, is difficult to accept. Especially since I have always thought that structural design was a branch of civil engineering.

Since neither the registration law, nor the Rules of the Board, define civil engineering or structural engineering one must rely on definition from other sources. To this end I have enclosed a copy of a page from the catalog of the Missouri School of Mines and Metallurgy, which is now the University of Missouri at Rolla, which I think adequately supports my contention that structural design is a branch of civil engineering.

I believe there is also support for my position in the registration laws of other states. The state of California requires registration as a Civil Engineer and additional experience and testing before a person can be registered as a Structural Engineer. Similarly, the state of Washington considers Structural Engineering to be a specialized branch and requires initial registration in another, more basic branch.

As you know from my application, I am presently registered in nineteen states, of which eighteen are by reciprocity. Of those nineteen states I am registered as a Civil Engineer in the nine states that have registration by branch. This includes six states that recognize Structural Engineering as a separate branch and at least one, Oregon, appears to have the same requirements as Arizona. There was no suggestion by any of these states that I was not qualified as a Civil Engineer. While I realize that Arizona is not bound by the actions of other states, it seems strange to me that you would take a position so different from these other states.

Arizona State Board of  
Technical Registration

April 10, 1980  
Page Two

During the course of my conversation with the evaluation committee, concern was expressed about pending sunset law review of the functions of the Board of Technical Registration. They stated that they exercise special care in reviewing applicant's experience records to insure consistency. However, it appears that the evaluation committee is applying a totally arbitrary definition of Civil Engineering, which is inconsistent with the classical definition and customary functions of the profession.

The evaluation committee also gave me the impression that they wanted me to apply for registration as a Structural Engineer because they felt the work I do should be done by a Structural Engineer. In addition, they indicated that a Civil Engineer's registration might not be sufficient for some agencies I might have to deal with. However, the requirement for a Structural Engineer's seal instead of a Civil Engineer's on certain types of work is not spelled out in the registration law, but is left up to the various approval and specifying organizations. Likewise, neither the registration law, nor the rules of the board delineate a demarcation line between civil and structural engineering. I cannot believe that none of the Civil Engineers in your state design structures.

In conclusion, I must ask what conditions have created a situation where a person with two degrees in civil engineering and registration as a Civil Engineer in nine other states is not qualified to practice as a Civil Engineer in Arizona. Do you feel the courts would uphold your position?

I trust that you will consider these comments and reverse your previous denial of my application for registration as a Civil Engineer.

Sincerely,

*Gerald K. Orrison*

Gerald K. Orrison

GKO:rk  
Encl.

SUMMARY OF POLICY ISSUES

Agency State Board of Technical Registration Program \_\_\_\_\_

Agency Priority Number	Program Priority Number	New	Activity Title	Request 1982-1983		Recommend 1982-1983	
				FTE	Amount	FTE	Amount
1	1		Enforcement/Investigator Supervisor III	1.0	33,899		
2	2		Enforcement/Investigator III	1.0	32,482		
3	3		Enforcement-General Office Support/Typist III	1.0	14,065		
4	4		General Office Support/IBM Memory Typewriter-15,000 character storage	-0-	1,800		
5	5		General Office Support/Mini-Cassette-Portable Dictator and Desk-Top Transcriber	-0-	331		
6	6		Secretary II-delete position	(1.0)	(14,092)		
TOTAL OF PROGRAM CHANGE (from Schedule 3, Column 4)				2.0	58,435		

64001

ITEMIZED SUMMARY OF POLICY ISSUES

Agency State Board of Technical Registration

Program \_\_\_\_\_

PRIORITY NO.	1	2	3	4	5	6			
FTE POSITIONS . . . . .	Invest. Super. 1.0	Invest. III 1.0	Typist III 1.0	Memory Typ. -0-	Mini-Cassette -0-	Sec. II (1.0)			
PERSONAL SERVICES . . . . .	25,735	19,008	11,110	-0-	-0-	(11,646)			
EMPLOYEE RELATED . . . . .	5,404	3,993	2,333	-0-	-0-	( 2,446)			
PROFESSIONAL SERVICES . . . . .	-0-	500	-0-	-0-	-0-	-0-			
TRAVEL - STATE . . . . .	2,760	8,436	-0-	-0-	-0-	-0-			
TRAVEL - OUT OF STATE . . . . .	-0-	-0-	-0-	-0-	-0-	-0-			
OTHER OPERATING EXPEND . . . . .	-0-	100	622	-0-	-0-	-0-			
FOOD . . . . .	-0-	-0-	-0-	-0-	-0-	-0-			
EQUIPMENT . . . . .	-0-	445	-0-	1,800	331	-0-			
SUB-TOTAL . . . . .	33,899	32,482	14,065	1,800	331	(14,092)			
OTHER . . . . .	-0-	-0-	-0-	-0-	-0-	-0-			
. . . . .									
. . . . .									
TOTAL APPROPRIATED . . . . .	33,899	32,482	14,065	1,800	331	(14,092)			
. . . . .									
. . . . .									
TOTAL . . . . .	33,899	32,482	14,065	1,800	331	(14,092)			

POLICY ISSUE

Agency 1001 State Board of Technical Registration Program Activity Title \_\_\_\_\_

Agency Priority Number 1 Program Priority Number 1 Contact Judi Ross Phone 255-4053

PROBLEM OR ISSUE To strengthen the Board's enforcement program by providing in-house staff and expertise.

OBJECTIVE TO BE REACHED To develop and implement a more active, thorough, equitable and expeditious enforcement program in conformance with statutory mandates by providing a responsible in-house supervisory position to supervise both in-house and outside investigators; to coordinate and oversee the processing of complaints, including resolving independently minor complaints; to serve as staff support and liaison to the various Enforcement Advisory Committees and the Board; to serve as liaison between the Board and its advisory committees and the complainants and respondents; and, in conjunction with the Attorney General's Office, to negotiate consent agreements.

CONSEQUENCES OF NOT FUNDING OBJECTIVE Board will continue to be forced to rely heavily upon costly outside investigators; to prolong resolution of complaints, and to lack the thorough staff coordination, supervision and review necessary to ensure an effective and fair enforcement process.

MEANS OF ACCOMPLISHING OBJECTIVE (Also list alternatives)

1981-1982		1982-1983	
FTE	Amount	FTE	Amount
		1.0	33,899

- To fund an Investigator Supervisor III position, or
- To rely heavily upon costly outside investigators and, to the detriment of other Board responsibilities, existing staff; or
- To reduce significantly or eliminate enforcement activities mandated by statute

METHODS OF EVALUATING OBJECTIVE

- Number of complaints received, as public becomes more aware of the Board's authority and ability to act upon complaints
- Number of complaints investigated in-house
- Number of cases resolved within fiscal year (fewer carry-over cases)
- Time required for resolution of cases

POLICY ISSUE

Agency State Board of Technical Registration Program \_\_\_\_\_ Activity Title \_\_\_\_\_ Enforcement \_\_\_\_\_  
 Agency Priority Number 2 Program Priority Number 2 Contact Judi Ross Phone 255-4053

PROBLEM OR ISSUE

To strengthen the Board's enforcement program by providing in-house staff and expertise

OBJECTIVE TO BE REACHED

To develop and implement a more active, thorough equitable and expeditious enforcement program in conformance with statutory mandates by providing an in-house investigator to investigate complaints by conducting preliminary interviews with complainants, respondents and other involved parties, researching cases, collecting all necessary documentation, and preparing reports for the Enforcement Advisory Committees and the Board. The approval of this position would offset significantly anticipated costs of utilizing outside investigators.

CONSEQUENCES OF NOT FUNDING OBJECTIVE

Board will be forced to rely more and more heavily upon outside investigators, with the accompanying expense and lessened control over cases in process.

MEANS OF ACCOMPLISHING OBJECTIVE (Also list alternatives)

- to fund an Investigator III position; or
- to rely increasingly on outside investigators, as case load and complexity increase; or
- to reduce significantly or eliminate enforcement activities mandated by statute

<u>1981-1982</u>		<u>1982-1983</u>	
<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
		1.0	32,482

METHODS OF EVALUATING OBJECTIVE

- Number of complaints received, as public becomes more aware of the Board's authority and ability to act upon complaints
- Number of complaints investigated in-house
- Number of cases resolved within fiscal year (fewer carry-over cases)
- Time required for resolution of cases

Agency State Board of Technical Registration Program \_\_\_\_\_ Activity  
Title Enforcement/General Office Support  
Agency Priority Number 3 Program Priority Number 3 Contact Judi Ross Phone 255-4053

PROBLEM OR ISSUE

To provide necessary clerical support, first to the enforcement program and second as back-up to the Administrative Secretary for general staff support.

OBJECTIVE TO BE REACHED

To increase the effectiveness and timeliness of the enforcement program by providing necessary clerical assistance in logging complaints, maintaining files and typing enforcement-related correspondence and reports and to provide clerical back-up to the Administrative Secretary in general office support. The approval of this position should eliminate the need for temporary clerical help.

CONSEQUENCES OF NOT FUNDING OBJECTIVE

The Administrative Secretary would be placed in the position of assuming virtually all secretarial/clerical duties for the Board - duties which are increasing as the enforcement program accelerates and as the Board becomes more active (the Board is now averaging one meeting a month - each requiring preparation of agenda, supplemental material and minutes). The agency would also have to continue to use temporary help.

MEANS OF ACCOMPLISHING OBJECTIVE (Also list alternatives)

To fund a Typist III position; or

To overburden the Administrative Secretary and continue to use temporary help

<u>1981-1982</u>		<u>1982-1983</u>	
<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
		1.0	14,065

METHODS OF EVALUATING OBJECTIVE

Decrease in time required for processing clerical aspects of enforcement  
Decrease in time required for transcribing minutes and typing other office correspondence  
Improvement in records management and information retrieval time  
Elimination of temporary help

## POLICY ISSUE

Agency State Board of Technical Registration Program \_\_\_\_\_ Activity Title General Office Support  
 Agency Priority Number 4 Program Priority Number 4 Contact Judi Ross Phone 255-4053

PROBLEM OR ISSUE

Need to provide some means of multiple letter and report production and storage for editing purposes.

OBJECTIVE TO BE REACHED To reduce the time now expended in typing single copies of forms and form letters and in typing multiple drafts of reports. The Board now has available only IBM Selectric Correctables; however, in both its enforcement and licensing activities, it uses a variety of essentially form letters, which nonetheless require some individual insertions and alterations to tailor them to the specific complaint, problem, etc. Currently, each of these letters must be typed individually. The Board also lacks the ability to edit reports, rule drafts, legislative drafts, etc., without retyping all or major portions of such works. The acquisition of a Memory typewriter would provide the capability for multiple copy production and editing. It would also eliminate the need for one IBM Selectric Correctable now on rental at a cost of \$1103/year.

SEQUENCES OF NOT FUNDING OBJECTIVE

The IBM Memory is specifically requested because it has a 15,000 character storage, with the addition of a Memory Chip (included in cost) as opposed to an 8,000-9,000 character storage of other comparable machines.

Continued secretarial inefficiency due to need to type single copies and need to retain rental equipment.

WAYS OF ACCOMPLISHING OBJECTIVE (Also list alternatives)

- to fund IBM Memory Typewriter/15,000 character storage; or
- to continue inefficiency in secretarial staff and to retain rental equipment.

<u>1981-1982</u>		<u>1982-1983</u>	
<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
		-0-	1,800

METHODS OF EVALUATING OBJECTIVE

- Number of letters, etc. requiring multiple copies run on Memory.
- Number of reports, etc. edited.

Agency State Board of Technical Registration Program \_\_\_\_\_ Activity Title General Office Support  
 Agency Priority Number 5 Program Priority Number 5 Contact Judi Ross Phone 255-4053

PROBLEM OR ISSUE

To provide dictation equipment necessary to allow reduction in secretarial time now spent in taking dictation.

OBJECTIVE TO BE REACHED

To reduce the time now expended by secretarial staff in taking dictation. The JLBC staff, in a management study recently conducted, estimated that approximately 1-1/2 hours per day were spent by secretarial staff in receiving dictation and strongly recommended the use of dictating equipment. The agency is attempting to comply with that recommendation, but currently has only one dictating/transcribing set. A second set was rented for the first two months of the 81-82 fiscal year at a cost of \$50 per month, but the rental was terminated due both to the inadequacy of the particular equipment and budget constraints.

SEQUENCES OF NOT FUNDING OBJECTIVE

Secretarial staff would continue to devote time to receiving dictation which could be more productively used elsewhere if equipment could be secured at a significantly higher cost on rental.

WAYS OF ACCOMPLISHING OBJECTIVE (Also list alternatives)

<u>1981-1982</u>		<u>1982-1983</u>	
<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
		-0-	331

- 1) fund a mini-cassette/portable dictator and desk-top transcriber; or
- 2) fund rental of equipment (at \$600 per year); or
- 3) continue to utilize valuable secretarial time on receiving dictation.

METHODS OF EVALUATING OBJECTIVE

Reduction in amount of time spent in taking dictation.

01 8  
000 00.7

Agency State Board of Technical Registration Program General Office Support Activity Title General Office Support  
 Agency Priority Number 6 Program Priority Number 6 Contact Judi Ross Phone 255-4053

PROBLEM OR ISSUE

To eliminate the current Secretary II position in favor of the staffing alignment represented by priorities #1, 2 and 3.

OBJECTIVE TO BE REACHED

To provide a staffing pattern more in line with the requirements of the Board and with Alternative #2 proposed in the recently adopted JLBC management study (to seek reclassification of the Secretary II position to one in the Investigator series). The elimination of this position coupled with the approval of the three other positions requested would provide the Board with a staffing pattern considerably more in line with its needs.

CONSEQUENCES OF NOT FUNDING OBJECTIVE

See priorities #1, 2 and 3.

MEANS OF ACCOMPLISHING OBJECTIVE (Also list alternatives)

See priorities #1, 2 and 3.

<u>1981-1982</u>		<u>1982-1983</u>	
<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
		(1.0)	(14,092)

METHODS OF EVALUATING OBJECTIVE

See priorities #1, 2 and 3.

STATE OF ARIZONA  
PRIORITIZATION OF BASE ACTIVITIES

1887

Agency State Board of Technical Registration Program \_\_\_\_\_

Agency Priority Number	Program Priority Number	Exchange	Activity Title	FTE	Amount
			80% of Estimated Expenditures (Appropriated) 1981-1982 - Schedule 3	4.5	201,840
1		X	Personal Services & ERE: .5 Examining Technician      6,473 ) 1.0 Secretary II           11,646 )      25,191 Board Expenses             1,500 ) Temporary                  1,200 ) ERE                         4,372 )		25,191
2			Professional & Outside Services: Investigations           2,000 ) Exams                     2,100 )      9,450 Law Clerk                 500 ) Data Processing          200 ) Printing                 650 ) Management Consultants 4,000 )		9,450
3			Other Operating: Postage                  2,100 ) Printing                 4,050 ) Forms                    700 ) Miscellaneous           1,500 ) Telephone                80 )      11,529 Freight                  70 ) Dues                     1,200 ) Registration Fees        500 ) Office-Envelopes & Stationery 126 ) Equipment Rental        1,203 )		11,529
			In-State Travel               2,090		2,090
			Out-Of-State Travel          2,200		2,200
TOTAL ESTIMATED EXPENDITURES (Appropriated) 1981-1982, from Schedule 3				4.5	252,300

STATE OF ARIZONA  
PROGRAM INFORMATION

Agency SSCC Board of Technical Registration Program 1982-83 Agency Program  
Program Director Judi E. Ross Title Executive Director Phone 255-4053

PROGRAM DESCRIPTION: The State Board of Technical Registration is a licensing and regulatory agency, responsible for registering architects, assayers, engineers, geologists, landscape architects and land surveyors and for establishing and enforcing standards of qualification and performance within those professions.

PROGRAM GOAL: The overriding purpose of the Board is to protect the safety, health and welfare of the public by ensuring that those individuals granted licensure by the Board meet established and equitably applied standards of qualification within their respective professions and by enforcing professional performance standards within those professions through both the development of a quality review program and the expeditious and judicial investigation of complaints against registrants and non-registrants.

PROGRAM PLANS: To protect the safety, health and welfare of the public by:

1. Completing development of and acquiring the requisite approval for rules under which the Board shall operate.
2. Providing efficient, professional and equitable evaluation, examination and renewal services.
3. Continuing to refine and standardize procedures whereby:
  - a. All complaints against registrants shall be investigated in a thorough, accurate and timely fashion; informal and, where necessary, formal hearings shall be conducted, and appropriate corrective measures, including disciplinary actions, shall be imposed; and
  - b. all complaints against non-registrants alleged to be practicing in the professional fields subject to registration shall be investigated in like manner and, when merited, such complaints shall be referred to the appropriate law enforcement agencies for prosecution.
4. Working toward the development and implementation of a quality review program.
5. Maintaining and reviewing standards of qualification for registrants in Arizona.
6. Reorganizing and professionalizing the Board staff in order to assist the Board in meeting its duty to protect the safety, health and welfare of the public and to ensure that the program plans cited above shall be realized.

STATE OF ARIZONA  
PROGRAM INFORMATION

Agency Board of Technical Registration Program 1982-83 Agency Program  
 Program Director Judi E. Ross Title Executive Director Phone 255-4053

Continued.....

PROGRAM RESULTS: Board members and staff evaluated 911 applications for professional registration and 402 in-training applications. Pursuant to the recommendations of the Auditor General, the requirement for personal interviews was eliminated. Staff administered 1,162 technical and professional examinations to qualify applicants further for registration. The Board granted 681 new professional registrations and 163 new in-training certificates. Based upon a triennial renewal system, recommended by the Auditor General and implemented in October, 1980, staff renewed certificates for approximately 10,000 active registrants.

Of the 231 complaints received by the Board from July 1, 1979, through July 1, 1981, 137 have been closed or are awaiting closing action, with 94 requiring further action. With the institution of advisory committees and the continuing development and refinement of procedures through which complaints are processed, substantial progress is being made in closing existing cases and expediting the resolution of in-coming complaints.

	1980-1981	1981-1982	1982-1983
Total	292,400	287,000	292,200
Technical Registration Fund	15,000	16,000	17,000
Professional Registration Fund	10,000	11,000	12,000
Administrative Fund	1,000	1,000	1,000
State General Fund	166,400	159,000	161,200
State Technical Fund	10,000	10,000	10,000
State Professional Fund	10,000	10,000	10,000

## BUDGET REQUEST FOR THE FISCAL YEAR 1982-1983

Budget Request Approved By Judi Ross La Chaille O'Brien Chairman 9/30/81  
 Signature of Agency Head Title Date  
 Budget Request Prepared By Judi E. Ross 255-4053  
 Phone

Agency State Board of Technical Registration Fund Sources Technical Registration Fund  
1645 West Jefferson, Suite 315 (Acct. No. 21-396-000)  
 Address Phoenix, Arizona 85007 90/10 Agency - ARS 32-109  
 .R.S. Citation ARS 32-101 through 32-145

## RECEIPTS

Source of Revenue	Name of Fund	Actual 1980-1981	Estimated 1981-1982	Estimated 1982-1983
Renewal Fees/Penalties		282,480	227,000	242,200
Application Fees		38,011	70,000	77,000
Examination Fees	Technical Registration Fund (Acct. No. 21-396-000)	36,230	40,710	46,815
Miscellaneous Fees		427	6,600	6,800
Others		1,500	5,000	7,000
Total		358,648	349,310	379,815
10% to General Fund		35,865	34,931	37,982
90% to Tech. Reg. Fund		322,783	314,379	341,833

## STATE OF ARIZONA

## SOURCE AND DISPOSITION OF FUNDS

 Agency 1991 State Board of Technical Registration

	Actual 1980-1981	Estimated 1981-1982	Estimated 1982-1983
<b>SOURCE OF FUNDS</b>			
Balance Forward From Prior Year (Specify) Adjusted for reimbursement & revolving fund . . . . .	88,176	168,970	231,049
General Fund Appropriation . . . . .	-0-	-0-	-0-
Other Appropriated Funds (Specify) . . . Revenues collected 80/81 . . . . .	322,783	314,379	341,833
Federal Funds . . . . .	-0-	-0-	-0-
Other Unappropriated Funds (Specify) Reimbursements, revolving fund, . . . . . telephone expense	5,338	-0-	-0-
<b>TOTAL</b>	<b>416,297</b>	<b>483,349</b>	<b>572,882</b>
<b>DISPOSITION OF FUNDS</b>			
Expenditures . . . . .	241,722	252,300	353,735
Land, Buildings and Improvements . . . . .	-0-	-0-	-0-
Other (Specify) . . . . . 1979/80 Administrative Adjustments . . . . . Refunds	4,903	-0-	-0-
Amount Reverted . . . . .	(2,676)	-0-	-0-
Balance Forward to Next Year . . . . .	168,970*	231,049	219,147
<b>TOTAL</b>			

\* Includes \$2376 reverted

## STATE OF ARIZONA

## SUMMARY OF EXPENDITURES AND BUDGET REQUESTS

1502  
Agency

Board of Technical Registration

Program

Expenditure Classification	(1) Actual Expenditures 1980-1981	(2) Estimated Expenditures 1981-1982	(3) Increase (Decrease)	EBO Use Only	(4) Program Change	EBO Use Only	(5) Request 1982-1983	Recommend 1982-1983
FTE POSITIONS . . . . .	5.5	6	////////		2		8	
PERSONAL SERVICES . . . . .	90,233	109,750	2,373		44,207		156,330	
EMPLOYEE RELATED EXPENDITURES	14,464	23,048	498		9,284		32,830	
PROFESSIONAL & OUTSIDE SERV.	64,012	65,500	20,950		500		86,950	
TRAVEL - STATE . . . . .	6,448 *	6,700 *	1,960		11,196		19,856	
TRAVEL - OUT OF STATE . . . . .	4,609 *	3,410 *	1,234		-		4,644	
OTHER OPERATING EXPENDITURES	47,700 *	43,892 *	6,935		722		51,549	
FOOD . . . . .	-0-	-0-	-0-		-		-0-	
EQUIPMENT . . . . .	14,256	-0-			2,576		2,576	
SUB-TOTAL . . . . .	241,722 **	252,300 **	33,950		68,485		354,735	
OTHER . . . . .	-0-	-0-	-0-				-0-	
. . . . .								
TOTAL APPROPRIATED	241,722	252,300	33,950		68,485		354,735	
ADD FEDERAL FUNDS . . . . .	-0-	-0-	-0-		-0-		-0-	
ADD OTHER FUNDS . . . . .	-0-	-0-	-0-		-0-		-0-	
TOTAL PROGRAM	241,722	252,300	33,950		68,485		354,735	

\*Adjusted to conform to AFIS

\*\*includes telephone allocation

SCHEDULE 3  
Page No. 3

SERVICE MEASUREMENTS

Agency Board of Technical Registration

Program Enforcement

Service Measurements	Actual 1978-1979	Actual 1979-1980	Actual 1980-1981	Estimated 1981-1982	Amount of Difference	Estimated 1982-1983
Number of Complaints initiated:	10	112	119	150	50	200
Complaints carried forward from previous FY	-	-0-	93	94	(14)	80
Total in process	10	112	212	244	36	280
Number of complaints concluded:	10	19	118	164	61	225
Disposition of complaints concluded:						
Formal Hearing			-0-	2	3	5
Consent Orders			2	48	32	80
Notice of Violation	-	-	31	50	20	70
Informal Resolution/Letter or Conversation			52	34	(4)	30
Dismissed - No Basis for Complaint			33	30	10	40
Number of complaints continued to next FY	-0-	93	94	80	(30)	50
Number of complaints requiring outside or in-House in-Depth investigation	-	3	7	75	65	140
Average processing time for complaints	-	-	15 mos.	9 mos.	(5 mos.)	4 mos.

SERVICE MEASUREMENTS

Agency Board of Technical Registration Program Registration

Service Measurements	Actual 1978-1979	Actual 1979-1980	Actual 1980-1981	Estimated 1981-1982	Amount of Difference	Estimated 1982-1983
Number of Registrants in Good Standing	8,024	8,880	9,617	10,600	1,000	11,600
Number of Applicants - Professional	729	832	911	1,000	150	1,150
Number of Applicants - In-Training	327	356	402	450	70	520
Number of Examinations- Professional and In-Training	2,385	2,821	1,162	1,275	240	1,515
Number of Professional Registrations Granted	582	564	681	750	100	850
Number of In-Training Registrations Granted	192	203	163	210	45	255

SUMMARY OF POSITIONS, PERSONAL SERVICES AND EMPLOYEE RELATED EXPENDITURES

Agency Board of Technical Registration

Program \_\_\_\_\_

PERSONAL SERVICES	Actual 1980-1981		Estimated 1981-1982		Increase (Decrease)	EBO Use Only	Program Change		EBO Use Only		Request 1982-1983		Recommend 1982-1983	
	FTE	Amount	FTE	Amount			FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Awards and Commissions . . .		6,915		3,208	1,472									
Select & Appointment Positions . . .	1	28,824	1	33,998							-	4,680		
Regular Positions . . .	4.5	47,016	5	71,294	2,151		2	44,207			1	33,998		
overtime . . . . .		586		-0-										
Per . . . . .		6,893		1,250	(1,250)						-	-0-		
ending adjustment . . .		-		-							-	-0-		
TOTAL - Schedule 3		90,234		109,750	2,373			44,207				156,330		

EMPLOYEE RELATED EXPENDITURES

Multiplier														
% . . .	///	14,464	///	23,048	498	///	9,284	///	///	///	32,830	///	///	///
Form Allowance . . . . .		-0-		-0-	-0-		-0-							
ending adjustment . . .	///	-	///	-	-	///	-	///	///	///	-	///	///	///
TOTAL - Schedule 3	///	14,464	///	23,048	498	///	9,284	///	///	///	32,830	///	///	///

I.C.A.	FTE No.	Pers.Servs. 1981-1982	Rate Factor	Amount	SUB-TOTALS
Number of FTE Positions Grade 23 and Above	-0-	//////	X \$2,131	-0-	
Personal Services Amount (\$) Grade 22 and Below**	//////	106,542	X .0670	7,138	7,138

	Pers.Servs. 1981-1982	Rate Factor	Amount	
WORKMENS' COMPENSATION INSURANCE	109,750	X .0027	296	
EMPLOYMENT INSURANCE	106,542	X .003	320	
STATE RETIREMENT***	105,292	X .07	7,370	
PUBLIC SAFETY RETIREMENT	-	X -	-0-	
SELECTED OFFICIALS' RETIREMENT	-	X .1283	-0-	
PERSONNEL DIVISION SERVICES	109,750	X .011	1,207	9,193

	No. FTE Positions	Rate Factor	Amount	
HEALTH & ACCIDENT INSURANCE***				
Employee Only \$44.46 x 12	1	X \$ 534	534	
Employee & Dependents \$85.26 x 12	5	X \$1,023	5,115	
Family-Both St.Employees \$90.92 x 12		X \$1,091	-0-	
HEALTH & DISABILITY INSURANCE*** \$12 x 12	6	X \$ 144	864	
LIABILITY INSURANCE***				
Employee Only \$4.64 x 12	1	X \$ 56	56	
Employee & Dependents \$11.42 x 12	5	X \$ 137	685	7,254

Carry to 2 decimal points  
 Less Amount Paid Board Members on Per Diem Basis  
 Less Personal Services for Those Employees That Don't Qualify for These Benefits

TOTAL 23,585

÷ 109,750 (1981-1982 Personal Services) = 1982-1983 PERS

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

*Judith Ross*  
 Agency \_\_\_\_\_ 9/30/81

\_\_\_\_\_  
 EBO Analyst

\_\_\_\_\_  
 JLBC Analyst

PRESENT POSITIONS

Agency Board of Technical Registration

Program \_\_\_\_\_

Classification Title	Class Grade	Estimated 1981-1982			Amount	FTE No.		INCREASE			EBO Use Only
		FTE Authorized				Amount		S T E P S			
		S T E P S				S T E P S		Salary	Merit	Total	
		1-3	4-7	8		1-3	4-7	1 - 3	4 - 7		
Executive Director	x			1	33,998					33,998	
Administrative Asst. III	17	1			19,008			1,059		20,067	
Administrative Secretary I	12		1		14,750				185	14,935	
Examining Technician I	10		2		25,890				309	26,199	
Secretary II	09	1			11,646			598		12,244	
		////			////			1,657	494	////	
					105,292					107,443	

TOTAL - To Schedule 5

Page 2 of 3

POSITION CHANGES  
(Additions, Deletions and Transfers)

Agency Board of Technical Registration

Program

Program Priority	Classification Title	Current FTE No.	Class Grade	Program Change		EBO Use Only		Estimated Cost of Position Change				
				FTE	Amount	FTE	Amount	Travel		Operating Expenses	Equip	Equip Item No.
								IN	OUT			
1	Investigator Supervisor III (A)	0	20(3)	1	25,735			2,760	-0-	-0-	-0-	-
2	Investigator III (A)	0	17(2)	1	19,008			8,436	-0-	600	445	4.5
3	Typist III (A)	0	09(2)	1	11,110			-0-	-0-	622	-0-	
	Secretary II (D)	1	09(3)	(1)	(11,646)							
		////	////	////	////////			11,196	-0-	1,222	445	
				2	44,207							



Agency 8 Board of Technical Registration

Program \_\_\_\_\_

TRAVEL - STATE	Actual 1980-1981	Estimated 1981-1982	Increase (Decrease)	EBO Use Only	Program Change	EBO Use Only	Request 1982-1983	Recommend 1982-1983
6510 Public Transportation . . . . .	1,830	1,800	200		-		2,000	
6540 Non-Public Transportation . . . . .	2,058	2,200	900		7,356		10,456	
6580 Subsistence . . . . .	2,560	2,700	860		3,840		7,400	
Rounding Adjustment . . . . .								
TOTAL TRAVEL-STATE - To Schedule 3	6,448	6,700	1,960		11,196		19,856	

TRAVEL - OUT OF STATE

5610 Public Transportation . . . . .	2,839	2,220	894		-		3,114	
5640 Non-Public Transportation . . . . .	20	50	10		-		60	
5680 Subsistence . . . . .	1,750	1,140	330		-		1,470	
Rounding Adjustment . . . . .								
TOTAL TRAVEL-OUT OF STATE - To Schedule 3 . . . . .	4,609	3,410	1,234		-		4,644	

LOCATION	EMPLOYEES	DAYS	COST	PURPOSE
n. Minn.	1	4	825	National Council of Engineering Examiners - Annual Meeting
Montealegre, AL	1	2/3	890	National Council of Engineering Examiners - Western Zone Meeting
Philadelphia, PA.	1	4	974	National Council of Architectural Registration Boards - Annual Meeting
Fran. CA	1	2/3	530	National Council of Architectural Reg. Boards - Western Regional Meeting
Louis MO	1	4	770	Council of Landscape Architectural Registration Boards - Annual Meeting
Seattle, WA	1	2/3	655	Council of Landscape Architectural Reg. Boards - Western Regional Meeting

SCHEDULE 3  
1982-1983



## OTHER OPERATING EXPENDITURES - WORKSHEET

Agency 2 Board of Technical Registration

Program \_\_\_\_\_

Sub Account	ACCOUNT Description	Actual 1980-1981	Estimated 1981-1982	Increase (Decrease)	EBO Use Only	Program Change	EBO Use Only	Request 1982-1983	Recommend 1982-1983
7013	Advertising-Personnel	1,000	-0-	-0-				-0-	
7036	Postage- <sup>DOA Special Svcs</sup> Revolving fund & Permit	9,165	8,880	1,332				10,212	
7044	Telephone - ATS Service	461	461	-0-		132		593	
7046	Telep.-Local & long dist.	2,125	2,800	196		336		3,332	
7047	Telep.-installation/other	136	-0-	-0-		54		54	
7059	Liability Insur. - other	500	413	383				796	
7103	Lease/rental-office rent	8,458	9,700	1,649				11,349	
7106	Lease/rental-exam rooms	1,746	540	38				578	
7244	Lease/rental-office furn. <sup>Eqpt.</sup> &	499	1,203	(1,203)				-0-	
7251	Lease/rental-reproduction	97	-0-	-0-				-0-	
7281	Lease/rental-postage meter	189	189	13				202	
7311	Printing	(1,144)	10,000	3,000				13,000	
7313	Binding	50	50	4				54	
7319	Printing - other	13,613	-0-	-0-				-0-	
7532	Repair/maint.-office furn.	1,382	228	252				480	
7553	Non-contract-repair-furn. <sup>Eqpt.</sup>	70	-0-	-0-				-0-	
7583	Data Processing-other-supp.	42	-0-	-0-				-0-	
7607	Library-reference books	91	-0-	50				50	
7621	Office-envelopes & station.	108	250	23		50		323	
7623	Office-forms	1,807	1,900	171				2,071	
7624	Reproduction Supplies	76	-0-	-0-				-0-	
7625	Office Misc.-DOA Spec. Svcs	2,666	3,000	270		150		3,420	



Item No.	PI No.	Type of Equipment and Description	Unit Cost	REPLACEMENT EQUIPMENT			NEW EQUIPMENT		Request 1982-1983	Recommend 1982-1983
				No.	Amount	EBO Use Only	No.	Amount		
1		Memory typewriter/15,000 character storage/IBM	1800				1	1800		1800
2		Mini-cassette/portable dictator	102				1	102		102
3		Mini-cassette/desk top transcriber	229				1	229		229
4		Desk/conventional, dbl pedestal	361				1	361		361
5		Chair/office, swivel with arms	84				1	84		84
Rounding Adjustment										
Sub-Total . . . . .										
LESS 1981-1982 Estimated Expenditures . . . . .										
				Actual 1980-1981	Estimated 1981-1982					
TOTAL EQUIPMENT - To Schedule 3				14,256	-0-			2,576		2,576

(Language/Department)

(Amount/Change)

Agency State Board of Technical Registration

Program \_\_\_\_\_

## Schedule 6: Personal Services - Position Changes:

The position change request reflects a net increase of two FTE, adding one Investigator Supervisor III at Grade 20, Step 3, one Investigator III at Grade 17, Step 2 and one Typist III at Grade 09, Step 2 and deleting one existing position, a Secretary II at Grade 09, Step 3. The request to hire at steps above entry level, if approved, would allow the agency at least some much-needed flexibility to hire from within the State Service and secure individuals with the requisite familiarity with the procedures, regulations and statutes of State government. The staffing pattern represented by the request will provide the Board with the in-house personnel and talent necessary to carry out more effectively and criticize efficiently its statutory mandates, especially in the enforcement area. The Board has been strongly criticized in the past for failing to fulfill its statutory obligation to protect the public health, safety and welfare and for its inactivity in the enforcement area. To pursue the Board's responsibilities to investigate complaints and to act against registrants involved in some form of misconduct requires sufficient and competent staff. Each complaint must be thoroughly investigated with all facets carefully researched, documentation gathered and reports written - a process which can either be conducted by costly outside investigators (1980-81 average hourly cost \$25, plus expenses) or in a large part by in-house staff. In addition, staff must serve as support to the six Enforcement Advisory Committees, rotating membership to ensure geographic representation and to guard against direct competition, scheduling and attending all meetings, preparing and presenting case information to the Committees and compiling case summaries and recommendations to present to the full Board for action. Further, staff must, in consultation with the Attorney General's Office, prepare all legal papers involved in consent agreements and serve as negotiator for these agreements. Throughout the process, staff must supervise and coordinate all actions and serve as liaison with the Board, the Advisory Committees, the complainant, the respondent and other involved parties. The need to assure that each case is thoroughly investigated, that all parties are heard and granted all due process and that the resolution is equitable and based upon the evidence presented is paramount if the public health, safety and welfare is to be protected.

Currently, the Board has no professional investigative staff, although a recent JLBC study recommended an Investigative position for the 1981-82 fiscal year, under one option to trade for the Secretary II position. Existing staff are being pulled away from other duties to the detriment of overall Board operations, to oversee the enforcement activities and, within budgetary limitations, outside investigators are being used to conduct in-depth investigations (approximately \$7000 was spent on such investigations in the first quarter of 1981-82). While definitive and measurable progress is being made, the budgetary and staffing limitations necessarily delay the prompt resolution of cases. The thrust of the position changes requested is to develop a staffing alignment which will address the most urgent needs of the Board. Below is a position-by-position justification:

## 1. Investigator Supervisor III 1.0 FTE

Grade 20, Step 3:	\$25,735
ERE:	5,404
In-state travel:	2,760
Total:	<u>\$33,899</u>

This request would provide a responsible in-house supervisory position to supervise and coordinate the activities of both outside investigators and, if approved, the in-house investigator. Also, the individual occupying this position

BUDGET JUSTIFICATION

Agency State Board of Technical Registration

Program \_\_\_\_\_

(Continued Page 2) Schedule 6

1.106 would serve as principal staff support to the Enforcement Advisory Committees, performing the functions noted above. He or she would be responsible for insuring the investigative material gathered is accurate and complete and that all appropriate legal and procedural requirements are met. He or she would act as the direct liaison between the Board and its Advisory Committees and all other parties involved in a complaint, as well as coordinate with the Attorney General's Office and with County and Municipal building inspection and other pertinent officials. The position requires considerable knowledge of the laws, regulations and standards applicable to the work of regulated design and technical professionals; the ability to analyze and determine the application of legal and investigatory principals; the capability to develop and maintain effective working relationships with the public, regulated professions and the legal profession, and strong oral, written and managerial skills. The responsibility for assuring that a thorough and careful investigation is conducted and that a fair and timely resolution is reached rests heavily with the person in this position.

Given the complex requirements of this position and the compelling need to ensure that the public health, safety and welfare as well as the rights of all parties concerned are protected through the expeditious and judicious processing of complaints from the initiation of the case through its conclusion, the approval of a position at the level of an Investigator Supervisor III would seem appropriate if the Board is to meet its statutory responsibilities and attract an individual with the requisite expertise.

The related in-state travel costs of \$5404 are based upon an average five days and 600 miles per month travel. It is anticipated that the individual in this position would assume responsibility for conducting or providing on-site supervision and assistance in some of the more complicated cases and, thus, would require travel expenses.

2. Investigator III 1.0 FTE

Grade 17, Step 02	\$19,008
ERE	3,993
Professional Services:	
Blueprint reproduction costs	500
In-state travel	2,436
Other operating: Supplies	100
Equipment: Desk/Chair	445
Total:	\$32,422

The approval of this position would provide the Board with an in-house investigator to investigate complaints by conducting preliminary interviews with complainants, respondents and other involved parties; researching and verifying all aspects of a complaint; collecting all necessary documentation; preparing necessary reports to the Advisory Committees and the Board; and determining that all legal and procedural requirements for those cases assigned are met. The position requires familiarity with applicable statutes, rules and investigatory procedures; thorough awareness of

Agency State Board of Technical Registration

Program \_\_\_\_\_

(Continued Page 3) Schedule 6

research and interview techniques and the ability to apply such techniques; and sound written and oral communication skills. Since the employee would be working extensively in the field, an ability to act independently in a responsible manner is also necessary.

This position, if authorized, would allow the Board to rely far less heavily on outside investigators for preliminary investigation work; permit greater internal control over such investigations; and encourage the development of in-house investigative expertise. It should also help to expedite the resolution of complaints since the expertise would be in-house and more efficient supervision of time and direction of effort should be possible.

The associated in-state travel costs of \$8436 are based upon an average of 15 days and 1850 miles of travel per month. Given the wide geographic distribution of complaints received and the necessity for on-site investigation, such travel seems fully supportable.

Other related costs are: an additional \$500 for printing, specifically the reproduction of blueprints and other documents required to complete documentation; \$100 in general office supplies; and \$445 for a desk and chair.

## 3. Typist III 1.0 FTE

Grade 09, Step 02	\$11,110
ERE	2,333
Other Operating:	<u>622</u>
Total:	\$14,065

The purpose of this requested position is to provide necessary clerical support, primarily to the enforcement activity and secondarily, as back-up to the Administrative Secretary. Without approval of this position and assuming #4 below is approved, the Administrative Secretary would be left to assume all secretarial/clerical support. Currently, the Board is experiencing a significant back-log in transcribing minutes and in typing enforcement-related and other office correspondence and is having to resort to temporary help. However, with the acquisition; if approved, of the Memory Typewriter and the dictating equipment requested and the now on-going refinement of office procedures, the Agency hopefully will be able to meet all secretarial/clerical requirements with the addition of this position and eliminate the \$1200 now budgeted for temporary help.

The other operating costs associated with this position are \$100 in general office supplies and \$522 for an additional phone line.

BUDGET JUSTIFICATION

Agency State Board of Technical Registration

Program \_\_\_\_\_

(Continued Page 4) Schedule 6

15408  
15411  
4. Secretary II (1.0 FTE)

Grade 09, Step 03	(11,646)
ERE	( 2,446)
Total	(14,092)

The deletion of this position, if accompanied by approval of the other position changes requested, would provide the Board with a much more reasonable and adequate staffing arrangement and permit the Board to meet more effectively and efficiently its statutory responsibilities.

Schedule 7: Professional and Outside Services

1. Exam Expenses: \$42,000

The \$42,000 requested for exam expenses includes costs for national examinations and locally prepared examinations, for national and local grading and for proctoring and other administrative expenses. The \$42,000 reflects a \$7,200 increase over the 1981-82 estimated expenditures but only a \$755 increase over 1980-81 actual expenditures. The difference in the 1980-81 actual and the 1981-82 estimated expenditures can be attributed to two factors: (1) the decision to eliminate testing requirements for registration in land surveying and assaying, based upon advice from the Attorney General's Office that the Board lacks legal authority to examine applicants in those fields and the consequent reduction in number of examinations given; and (2) an effort, due to budgetary restrictions, to reduce proctoring costs by using in-house staff whenever practicable. Since the Board intends to seek legislation to allow testing in land surveying and assaying, and if such legislation is passed (the Board has historically examined applicants in these areas, the Board having only been advised of the Attorney General's Office interpretation of the Statutes at its July 31, 1981 meeting) and since the Board can anticipate an overall increase of approximately ten percent in the number of applicants in all disciplines examined, the \$42,000 figure would seem most reasonable and supportable, especially when inflationary costs for local examination preparation and grading and proctoring are calculated into the estimate.

2. Enforcement: \$30,000/Investigations and Expert Witnesses  
2,500/Printing and other services

(A) The \$30,000 requested for investigations and expert witnesses represents an increase of \$18,000 over the amount budgeted for 1981-82 and reflects the growing emphasis the Board is placing on enforcement matters in striving to meet its responsibility to protect the public safety, health and welfare. The requested amount would need to be adjusted upward substantially if the two investigative positions requested in personal services were not approved, if the Board is to fulfill properly its responsibilities in the enforcement area. While the Board has instituted an aggressive enforcement program, the increasing

(Continued Page 2) Schedule 7

case load and complexity of cases, coupled with lack of professional staff and budgetary limitations will mean that resolution and closure of cases in 1981-82 will be unavoidably prolonged. It is estimated that the average processing time for a complaint in 1981-82 will be nine months. Although this represents a significant improvement over the 15 month period for 1980-81, it is not satisfactory. It leaves questions possibly involving the public safety, health and welfare unanswered for an extended period and places both the complainant and respondent in difficult and unsure positions for a considerable time. The approval of the enforcement-related positions requested and of the additional \$1800 for investigations and expert witnesses in professional and outside services would enable the Board both to reduce the average processing time for complaints to approximately four months and ensure that complaints receive the attention they merit.

The investigation of a complaint involves basically two phases or two different types of investigations. First is the preliminary investigation involving the gathering of information: researching and attempting to verify the various aspects of a complaint - deciding the nature of the complaint, exactly what parties are involved, checking registrations and principals of firms, determining whether the case falls within the purview of the Board, etc.; conducting initial interviews or discussions with the parties involved; collecting all pertinent documentation - plans, blueprints, photographs, etc.; and preparing the information to be presented to the Enforcement Advisory Committees. Currently, the staff is attempting to handle the more straight-forward complaints in-house but must rely on primarily private investigative firms to pursue the more complex cases. It is this phase of the investigation that the proposed investigator positions would assume, particularly the Investigator III (the requested Supervisor position would be responsible for supervising and coordinating all aspects of the enforcement process), and it is here that cost-savings can be generated and greater internal control imposed by reducing significantly the use of private investigators, although, with only two enforcement staff members, the use of private investigators cannot be expected to be eliminated entirely.

The second aspect of an investigation involves the use of "expert witnesses" - registered professionals within a discipline. Once the information gathered during the preliminary investigation is presented to and reviewed by the appropriate Advisory Committee and that Advisory Committee interviews the complainant and respondent, the Committee may: (1) conclude that sufficient information is available and make its determinations in the form of recommendations to the Board; or (2) decide that additional information is required and refer the case back to the enforcement staff and/or private investigator (a step that can hopefully be more frequently avoided with the development of an experienced in-house investigative staff); or (3) determine that, because of the complexity of the case or the ambiguous or inadequate nature of the paper documentation, an "expert witness" be employed to review the documentation and conduct an on-site investigation of the project concerned. In other words, an independent third party - a qualified registrant in the discipline involved in the complaint, would be employed through a contractual arrangement to conduct a professional review of the case and present his or her determinations and recommendations to

## RUDGET JUSTIFICATION

Agency State Board of Technical Registration

Program \_\_\_\_\_

(Continued Page 3) Schedule 7

15410 the Committee. The use of such expert witnesses in any contested case has been recommended by the Attorney General's Office and would place the Board in a better position to render a fair decision and provide greater defense for that decision. Since the use of expert witnesses is a new procedure, historically supportable cost data is lacking, but the cost of using one such expert in a currently on-going investigation was approximately \$1800.

The \$30,000 requested would be used to support primarily the costs of employing expert witnesses and, only where absolutely necessary, private investigators.

(B) The \$2,500 requested in Printing and Other Services is to provide for blueprint and other document reproduction necessary for the investigation of complaints. This amount reflects a total increase of \$1300, \$800 of which represents an increase in on-going activities and \$500 of which is associated with the requested Investigator III position. Not all cases require reproduction of such documentation (approximately 60 percent do require it), but the average cost per case is approximately \$100. The documents to be reproduced are often numerous and, especially with blueprints, xeroxing does not produce the necessary clarity. Actual expenditures for 1980-81 were \$1060 and budgeted expenditures for 1981-82 are \$1200, however, bills for services in the first quarter of 1981-82 total approximately \$400, thus this item is likely underbudgeted. Given the expenses to date for this fiscal year and the projected increase in case load for 1982-83, plus an estimated nine percent inflationary increase, the amount requested appears fully supportable.

## 3. Data Processing: \$4,950

The amount requested reflects a 10 percent inflationary increase over 1981-82 estimated expenditures and is intended to cover the costs of on-going data processing applications. There is a significant decrease in 1981-82 estimated over 1980-81 actual expenditures since the 1980-81 figures include the cost of conversion to the triennial renewal system.

## 4. Law Clerk: \$2,500

Many of the matters that come before the Board involve legal issues—for example, many aspects of the enforcement process, requests for interpretation of statutes, limits of the Board's authority, etc. In addition, once rules are adopted, amendments, either mandated by law or shown to be necessary through experience, may well be required and as Advisory Committees are established in the licensure as well as enforcement areas, procedures will need to be developed. While the Board has in recent months received excellent assistance from the Attorney General's Office, the Assistant Attorney General assigned the Board is responsible for some eight agencies and cannot be expected to devote full measure of his time to this Board. The availability of a law clerk, working under the supervision of an Assistant Attorney General, would be of invaluable assistance to the Board in researching legal issues and drafting procedures, amendments to rules and legislation. An estimated

Continued Page 4) Schedule 7

\$7.00 per hour, the \$2,500 represents some 357 hours or about 45 days of work during 1962-63.

## 5. Management/Expert Consultants: \$5000

The \$5000 requested is intended for a number of purposes:

- (A) Enforcement - National organizations, for example, the National Council of Engineering Examiners, have available expert consultants in the enforcement area which are available to member Boards to assist with enforcement programs. These experts will review and analyze existing programs and procedures and recommend changes to streamline processes and increase effectiveness and efficiency. The NCEE consultants are available on an expenses only or expenses and honorarium basis. \$1000 is requested.
- (B) Office management - \$1000 is requested to contract with an office management consultant to analyze office procedures and assist in implementing new and more efficient procedures. One specific area of concern is in records management and retention. The Board has sought the assistance of the State Records Management Section in setting up a new records retention schedule but assistance in actually restructuring the methods of maintaining and managing records is not available. While staff is now attempting to reorganize and refine the filing system, staff time is not available to carry out a thorough study of the needs of the Agency's records, and to effect the changes required. A more efficient records maintenance and management system would increase overall office efficiency by decreasing the amount of time required for information storage and retrieval.
- (C) Peer Review - Quality Control - \$3000 is requested to enable the Board to contract with expert consultants-registrants in the various disciplines - to provide technical assistance to counties and municipalities, on a request basis. The Executive Director will be meeting with local officials to acquaint them with the Board's activities and responsibilities and to provide any assistance possible; however, in-house technical expertise in all the six disciplines regulated is not feasible. If a local government is experiencing particular technical problems and does not have the resources available to address them and requests assistance, the Board, if it feels the request is justified, would provide the requisite technical expertise. Through this process, the Board could hopefully help local governments, especially smaller ones, to avoid potential problems.

## BUDGET JUSTIFICATION

Agency Board of Technical Registration

Program \_\_\_\_\_

## Schedule 8: Travel

15412

Of the \$19,856 requested in state travel, program changes related to the two Investigator positions account for \$11,195. The justification for these program changes is included under Schedule 6, Budget Justification, items #1 and #2. The remaining \$8,660 represents an increase of \$1,960 over 1981-82 estimated expenditures and reflects an approximate 11 percent increase in public transportation costs; the increase to 25¢/mile for privately-owned vehicles; some increase in Board mileage and subsistence to cover costs of additional board and evaluation committee meetings; and additional travel for the Director and staff. The additional costs for the Director and staff are to allow the Director to meet with county and municipal officials to acquaint them with the Board's responsibilities and services and provide them assistance and to cover travel expenses associated with out-of-town evaluation committee meetings and proctoring assistance in examinations.

The Out-of-State request is based upon estimated costs of the trips delineated. Public transportation costs were based upon air fares provided by a travel agent. The meetings for which travel is requested are those of the major national organizations to which the Board belongs and offer important opportunities to stay abreast of national developments in the field of technical registration, to become acquainted with innovative approaches to licensure and enforcement and to exchange ideas with counterparts from other states.

## Schedule 9: Other Operating Expenditures:

Requests under Other Operating Expenditures reflect price guidelines, with the following exceptions:

- (1) Account 7030 - Communication  
\$522, as a program change, related to the requested Typist III position is asked for costs associated with an additional telephone line.
- (2) Account 7310 - Printing and Photography  
Sub-account 7311 - Printing  
A \$3,004 increase is requested to cover additional expenses for printing of new Board rules and for re-ordering renewal notices (ordered on a two-year supply basis - last ordered in 1980-81, no order anticipated or budgeted in 1981-82).
- (3) Account 7510 - Repair/Maintenance Contract  
Sub-account 7532 - Repair/Main tenance - Office Furniture and Equipment  
A \$252 increase is requested to cover costs of maintenance contracts on typewriters and copier when warranties expire.
- (4) Account 7570 - Operating Supplies  
\$200, as a program change, related to the requested Investigator III and Typist III positions is asked to provide for additional supply costs.

(Continued Page 2)

Schedule 9

- 00113  
 (5) Account 7960 - Miscellaneous  
 Sub-account 7971 - Dues

An increase of \$672 is requested to cover both already noticed and anticipated raises in membership dues for the national organizations of which the Board is a member: the National Council of Engineering Examiners, the National Council of Architectural Registration Boards and the Council of Landscape Architectural Registration Boards.

## Schedule 11: Equipment

\$2,576 is requested for new equipment, as follows:

- (A) \$1,800 for an IBM Memory Typewriter, 15,000 character storage with additional memory chip (price quoted by Purchasing): The IBM is requested rather than the Royal on contract because, according to Purchasing, it has a memory chip available (\$300 included in the \$1,800) which will increase storage from 8,000 - 9,000 characters on the standard Royal and IBM Memory to 15,000 characters. For the additional \$300, the Board can acquire a machine with significantly greater storage capacity which will more adequately meet its typing and editing requirements.

The Memory Typewriter would replace an IBM Selectric Correctable now being rented by the Board at annual cost of some \$1,104. Currently, the Board has available only IBM Selectric Correctables. The Board utilizes, in both the licensing and enforcement areas, numerous standardized letters and notices which require some internal adjustments to tailor them to the particular individuals or situations. These now must each be typed individually greatly reducing the efficiency of the secretarial staff, or must be printed, at significant cost, and the personalized information separately typed on each. In addition, the staff prepares various reports, agenda, lists of applicants for examination and registration for verification and approval by the Board and drafts of rules and procedures. Lacking any equipment with storage capability, each of those documents must be typed singly, any corrections or editing done, and each retyped - an extremely inefficient procedure. The Memory Typewriter would permit storage of the original document, corrections or edits to be made and final copy to be run without total retyping.

- (B) \$331 for a mini-cassette, dictator and transcriber (\$102 for the portable dictator, \$229 for the desk-top transcriber) - prices from price guidelines: Currently, the Board has one dictating set. A second set was on rental, at a cost of approximately \$50 per month, for the first two months of the 1981-82 fiscal year but was returned because of budgetary limitations and the inadequacy of the equipment rented. The one set the Board now has is used principally for taping and transcribing Board and committee meetings and is heavily used. The JLBC, in a recent management study, estimated that approximately 1-1/2 hours a day of secretarial

(Continued Page 2)

Schedule 11

15411

time was devoted to receiving dictation and strongly recommended the use of dictating equipment. The Board is now attempting to comply with that recommendation, but lack of a second dictating set is an inhibiting factor. Approval of this request would free secretarial time that could be more effectively and efficiently utilized in other activities.

- (C) \$445 for a conventional, double pedestal desk and office chair (\$361 for the desk, \$84 for the chair) - prices from price guidelines. These costs are associated with the Investigator III position requested and would provide for necessary office equipment.

LEGISLATION DRAFT

BOARD OF TECHNICAL REGISTRATION

RELATING TO THE STATE BOARD OF TECHNICAL REGISTRATION: AMENDING, REPEALING AND RE-ENACTING CERTAIN SECTIONS OF THE ARIZONA REVISED STATUTES.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 32-101, Arizona Revised Statutes, is amended to read:

32-101. Purpose; definitions

A. The purpose of this chapter is to provide for the safety, health and welfare of the public through the promulgation and enforcement of standards of qualification for those individuals licensed and seeking licenses pursuant to this chapter.

B. In this chapter, unless the context otherwise requires:

1. "Architect" means a person who, by reason of his knowledge of the mathematical and physical sciences, and the principles of architecture and architectural engineering acquired by professional education and practical experience, is qualified to engage in the practice of architecture as attested by registration as an architect.

2. "Architect-in-training" means a candidate for registration as a professional architect who is a graduate of a school approved by the board as of satisfactory standing or who has FIVE YEARS OR MORE OF EDUCATION OR experience OR BOTH, as outlined in the current standards of the national council of architectural registration boards in architectural work of a character satisfactory to WHICH MEETS STANDARDS SPECIFIED BY the board IN ITS RULES. In addition, the candidate shall have successfully passed the ARCHITECT-IN-TRAINING examination in the basic architectural subjects. Upon completion of the requisite years of training and experience in the field of architecture under the supervision of a professional architect satisfactory to the board, the architect-in-training shall be eligible for the second

stage-of-the-prescribed-examination-for-registration-as-a-professional-architect  
SPECIFIED BY THE BOARD IN ITS RULES.

3. "Architectural practice" means any service or creative work requiring architectural education, training and experience, and the application of the mathematical and physical sciences and the principles of architecture and architectural engineering to such professional services or creative work as consultation, evaluation, design and review of construction for conformance with contract documents and design, in connection with any building, planning or site development. A person shall be deemed to practice or offer to practice architecture who in any manner represents himself to be an architect, or holds himself out as able to perform any architectural service or other services recognized by educational authorities as architecture.

4. "Assayer" means a person who analyzes metals, ores, minerals, or alloys in order to ascertain the quality of gold or silver or any other substance present in them.

5. "ASSAYER-IN-TRAINING" MEANS A CANDIDATE FOR REGISTRATION AS A PROFESSIONAL ASSAYER WHO IS A GRADUATE OF A SCHOOL APPROVED BY THE BOARD AS OF SATISFACTORY STANDING AND IN A CURRICULUM APPROVED BY THE BOARD IN ITS RULES AS PERTINENT TO THE PRACTICE OF ASSAYING, OR WHO HAS FOUR YEARS OR MORE OF EDUCATION OR EXPERIENCE OR BOTH IN ASSAYING WORK WHICH MEETS STANDARDS SPECIFIED BY THE BOARD IN ITS RULES.

6. "ASSAYING PRACTICE" MEANS ANY SERVICE OR WORK REQUIRING ASSAYING EDUCATION, TRAINING OR EXPERIENCE, AND THE APPLICATION OF SPECIAL KNOWLEDGE OF THE MINERAL SCIENCES TO SUCH PROFESSIONAL SERVICES AS CONSULTATION AND THE EVALUATION OF MINERALS. A PERSON SHALL BE DEEMED TO PRACTICE OR OFFER TO PRACTICE ASSAYING WHO IN ANY MANNER REPRESENTS HIMSELF TO BE AN ASSAYER, OR HOLDS HIMSELF OUT AS ABLE TO PERFORM ANY ASSAYING SERVICE OR OTHER SERVICES RECOGNIZED BY EDUCATIONAL AUTHORITIES AS ASSAYING.

7. "Board" means the state board of technical registration.

*Revised Rules*

8. "BONA FIDE EMPLOYEE" MEANS AN INDIVIDUAL WORKING UNDER THE DIRECT SUPERVISION OF THE REGISTRANT AND RECEIVING COMPENSATION FROM THE REGISTRANT AND WHOSE WORK PRODUCT SHALL BE THE RESPONSIBILITY OF THE REGISTRANT.

9. "Engineer" means a ~~professional-engineer~~ PERSON who, by reason of special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as attested by his registration as a professional engineer.

10. "Engineering practice" means any professional service or creative work requiring engineering education, training and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, research investigation, evaluation, planning, surveying, design, location, development, and review of construction for conformance with contract documents and design, in connection with any public or private utility, structure, building, machine, equipment, process, work or project. Such services and work include plans and designs relating to the location, development, mining and treatment of ore and other minerals. A person shall be deemed to be practicing or offering to practice engineering if he practices any branch of the profession of engineering, or by verbal claim, sign, advertisement, letterhead, card or any other manner represents himself to be a professional engineer, or holds himself out as able to perform or does perform any engineering service or other service ~~or~~ recognized by educational authorities as engineering. A person employed on a full time basis as an engineer by an employer engaged in the business of developing, mining and treating ores and other minerals shall not be deemed to be practicing engineering for the purposes of this chapter if he engages in the practice of

engineering exclusively for and as an employee of such employer and does not hold himself out and is not held out as available to perform any engineering services for persons other than his employer.

8. 11. "Engineer-in-training" means a candidate for registration as a professional engineer who is a graduate in an approved engineering curriculum of four years or more of a school approved by the board as of satisfactory standing, or who has had four years or more of EDUCATION OR experience OR BOTH in engineering work of-a-character-satisfactory-to WHICH MEETS STANDARDS SPECIFIED BY the board IN ITS RULES. and In addition, has-successfully THE CANDIDATE SHALL HAVE passed the ENGINEERING-IN-TRAINING examination SPECIFIED BY THE BOARD IN ITS RULES in-the-basie-engineering-subjects,-and who,-upon-completion-of-the-requisite-years-of-training-and-experience-in engineering-under-the-supervision-of-a-professional-engineer-satisfactory-to the-board,-is-eligible-for-the-second-stage-of-the-prescribed-examination-for registration-as-a-professional-engineer-

9. 12. "Geological practice" means any professional service or work requiring geological education, training, and experience, and the application of special knowledge of the earth sciences to such professional services as consultation, evaluation of mining properties, petroleum properties, and groundwater resources, professional supervision of exploration for mineral natural resources including metallic and non-metallic ores, petroleum, and groundwater, and the geological phase of engineering investigations.

10. 13. "Geologist" means a person, not of necessity an engineer, who by reason of his special knowledge of the earth sciences and the principles and methods of search for an appraisal of mineral or other natural resources acquired by professional education and practical experience is qualified to practice geology as attested by his registration as a professional geologist. A person employed on a full time basis as a geologist by an employer engaged in the business

of developing, mining or treating ores and other minerals shall not be deemed to be engaged in "geological practice" for the purposes of this chapter if he engages in geological practice exclusively for and as an employee of such employer and does not hold himself out and is not held out as available to perform any geological services for persons other than his employer.

14. "Geologist-in-training" means a candidate for registration as a professional geologist who is a graduate of a school approved by the board as of satisfactory standing or who has had four years or more of EDUCATION OR experience OR BOTH in geological work of-a-character-satisfactory-to WHICH MEETS STANDARDS SPECIFIED BY the board IN ITS RULES. In addition, the candidate shall have successfully passed the GEOLOGIST-IN-TRAINING examination SPECIFIED BY THE BOARD IN ITS RULES in-the-basic-geology-subjects--Upon completion-of-the-requisite-years-of-training-and-experience-in-the-field-of geology-under-the-supervision-of-a-professional-geologist-satisfactory-to-the board,-the-geologist-in-training-shall-be-eligible-for-the-second-stage-of the-prescribed-examination-for-registration-as-a-professional-geologist.

15. "Landscape architect" means a person who, by reason of his professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture as attested by his registration as a landscape architect.

16. "Landscape architect-in-training" means a candidate for registration as a professional landscape architect who is a graduate of a school approved by the board as of satisfactory standing or who has had four years or more of EDUCATION OR experience OR BOTH in landscape architectural work of-a-character satisfactory-to WHICH MEETS STANDARDS SPECIFIED BY the board IN ITS RULES. In addition, the candidate shall have successfully passed the LANDSCAPE ARCHITECT-IN-TRAINING examination SPECIFIED BY THE BOARD IN ITS RULES. in-the-basic landscape-architectural-subjects--Upon-completion-of-the-requisite-years-of training-and-experience-in-the-field-of-landscape-architecture-under-the

supervision-of-a-professional-landscape-architect-satisfactory-to-the-board,-the  
 landscape-architect-in-training-shall-be-eligible-for-the-second-stage-of-the  
 prescribed-examination-for-registration-as-a-professional-landscape-architect.

14- 17. "Landscape architectural practice" means the performance of professional services such as consultations, investigation, reconnaissance, research, planning, design, or responsible supervision in connection with the development of land and incidental water areas where, and to the extent that the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and esthetic values, the settings and approaches to buildings, structures, facilities, or other improvements, natural drainage and the consideration and the determination of inherent problems of the land relating to erosion, wear and tear, light and other hazards. This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this paragraph but shall not include the making of cadastral surveys or final land plats for official recording or approval, nor mandatorially MANDATORILY include planning for government subdivisions.

18. "LAND SURVEYING PRACTICE" MEANS THE PERFORMANCE OF ONE OR MORE OF THE FOLLOWING: THE MEASUREMENT OF LAND TO DETERMINE CORRECT AREA, CORRECT DESCRIPTION OR FOR CONVEYANCE; THE ESTABLISHMENT OR REESTABLISHMENT OF LAND BOUNDARIES AND THE PLATTING OF LANDS OR SUBDIVIDING OF LANDS; THE LOCATION, RELOCATION, ESTABLISHMENT OR REESTABLISHMENT OF ANY RIGHT-OF-WAY OR EASEMENT BY USE OF THE PRINCIPLES OF LAND SURVEYING; THE DETERMINATION OF THE POSITION OF ANY SUCH MONUMENT OR REFERENCE POINT WHICH MARKS A PROPERTY LINE, BOUNDARY OR CORNER; OR THE SETTING, RESETTING OR REPLACING OF ANY SUCH MONUMENT OR REFERENCE POINT FOR THE PURPOSE OF DETERMINING CORRECT AREA OF LAND, CORRECT DESCRIPTION OF LAND OR FOR CONVEYANCING; ADDITIONALLY, THE PRACTICE OF LAND SURVEYING MAY INCLUDE THE ACT OF MEASURING, LOCATING, ESTABLISHING OR REESTABLISHING CORNERS, LINES, BOUNDARIES, ANGLES, ELEVATIONS, CONTOURS AND NATURAL OR MAN-MADE FEATURES IN THE AIR, ON THE SURFACE OF THE EARTH, WITHIN UNDERGROUND WORKINGS AND ON THE BEDS OF

BODIES OF WATER, INCLUDING TOPOGRAPHY AND THE PREPARATION AND PERPETUATION OF MAPS, PLATS, FIELDS NOTE RECORDS AND LAND DESCRIPTIONS THAT REPRESENT SUCH SERVICE OR WORK.

15: 19. "Land surveyor" means a person who engages-in-the-practice-of surveying-tracts-of-land-for-the-determination-of-their-correct-locations,-areas,-boundaries,-and-description,-for-the-purpose-of-conveyancing-and-recording-or-for establishment-or-reestablishment-of-boundaries-and-plotting-of-lands-and subdivisions- BY REASON OF HIS KNOWLEDGE OF THE MATHEMATICAL AND PHYSICAL SCIENCES AND THE PRINCIPLES OF LAND SURVEYING AND THE GATHERING OF EVIDENCE, ACQUIRED BY PROFESSIONAL EDUCATION OR PRACTICAL EXPERIENCE OR BOTH, IS QUALIFIED TO PRACTICE LAND SURVEYING AS ATTESTED BY HIS REGISTRATION AS A LAND SURVEYOR. AN ENGINEER REGISTERED UNDER THIS CHAPTER PRIOR TO JULY 1, 1982 WHO HAS KNOWLEDGE OF THE PRINCIPLES OF LAND SURVEYING ACQUIRED BY PROFESSIONAL EDUCATION OR PRACTICAL EXPERIENCE OR BOTH IS QUALIFIED TO PRACTICE LAND SURVEYING. AN ENGINEER REGISTERED SUBSEQUENT TO JULY 1, 1982 SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 32-123.

20. "LAND SURVEYOR-IN-TRAINING" MEANS A CANDIDATE FOR REGISTRATION AS A PROFESSIONAL LAND SURVEYOR WHO IS A GRADUATE OF A SCHOOL APPROVED BY THE BOARD AS OF SATISFACTORY STANDING; AND IN A CURRICULUM APPROVED BY THE BOARD IN ITS RULES AS PERTINENT TO THE PRACTICE OF LAND SURVEYING, OR WHO HAS FOUR YEARS OR MORE OF EDUCATION OR EXPERIENCE OR BOTH WHICH MEETS STANDARDS SPECIFIED BY THE BOARD IN ITS RULES. IN ADDITION, THE CANDIDATE SHALL HAVE SUCCESSFULLY PASSED THE LAND SURVEYOR-IN-TRAINING EXAMINATION SPECIFIED BY THE BOARD IN ITS RULES.

21. "RULES" MEAN THE CERTIFIED BY-LAWS, RULES AND REGULATIONS OF THE BOARD. THESE ARE THE MEANS AND GUIDELINES FOR THE IMPLEMENTATION AND DEFINITION OF POLICY, ENFORCEMENT AND LICENSING.

Section 2. Section 32-102, Arizona Revised Statutes

NO CHANGE

Section 3. Section 32-103, Arizona Revised Statutes

NO CHANGE

Section 4. Section 32-104, Arizona Revised Statutes

NO CHANGE

Section 5. Section 32-105, Arizona Revised Statutes

NO CHANGE

Section 6. Section 32-106, Arizona Revised Statutes, is amended to read:

32-106. Powers and duties

A. The board shall:

1. Adopt by-laws and rules for the conduct of its meetings and performance of duties imposed upon it by law.

2. Adopt an official seal for attestation of certificates of registration and other official papers and documents.

3. Consider and pass upon applications for registration AND, PURSUANT TO STANDARDS ESTABLISHED BY THE BOARD IN ITS RULES, HOLD FOR EXAMINATION CANDIDATES FOR IN-TRAINING AND PROFESSIONAL REGISTRATION.

4. Hear and pass upon complaints or charges OR DELEGATE TO HEARING OFFICERS THE RESPONSIBILITY FOR CONDUCTING SUCH HEARINGS.

5. PURSUANT TO SECTION 32-128, ARIZONA REVISED STATUTES, compel attendance of witnesses, administer oaths, and take testimony concerning all matters coming within its jurisdiction.

6. Keep a record of its proceedings.

7. Keep a register which shall show the date of each application for registration, the name of the applicant, the practice or branch of practice in which the applicant has applied for registration and the disposition of the application.

8. Do other things necessary to carry out the purpose of this chapter.

B. The board shall specify on the certificate of registration and renewal card issued to each registered engineer the branch of engineering in which he has demonstrated proficiency, and authorize him to use the title of registered professional engineer. The board shall decide what branches of engineering shall be thus recognized.

C. The board may hold membership in and be represented at national councils or organizations of professions registered under this chapter and may pay the appropriate membership fees. The board may conduct standard examinations on behalf of national councils, and may establish fees therefor.

D. The board is authorized to employ and pay on a fee basis persons, including full time employees of a state institution, bureau or department, to prepare and grade examinations given to applicants for registration and to fix the fee to be paid for such services. Such employees are authorized to prepare, grade and monitor examinations and perform other services the board authorizes, and to receive payment therefor from the technical registration fund.

E. The board is authorized to rent necessary office space and pay the cost thereof from the technical registration fund.

F. The board may adopt rules and regulations establishing rules of professional conduct for registrants.

G. The board may require evidence it deems necessary to establish the continuing competency of registrants as a condition of renewal of licenses.

Section 7. Section 32-106.01, Arizona Revised Statutes

NO CHANGE

Section 8. Section 32-107, Arizona Revised Statutes

NO CHANGE

Section 9. Section 32-108, Arizona Revised Statutes

NO CHANGE

Section 10. Section 32-109, Arizona Revised Statutes

NO CHANGE

Section 11. Section 32-110, Arizona Revised Statutes, is amended to read:

Section 32-110. Immunity from personal liability.

Members and employees of the board AND MEMBERS OF ADVISORY COMMITTEES AND AGENTS OF THE BOARD are immune from personal liability with respect to acts done and actions taken in good faith within the scope of their authority.

Section 12. Section 32-121, Arizona Revised Statutes

NO CHANGE

Section 13. Repeal

Section 32-122, Arizona Revised Statutes, is repealed.

Section 14. Title 32, Chapter 1, Article 2 is amended by adding a new Section 32-122, to read:

32-122. QUALIFICATIONS FOR IN-TRAINING REGISTRATION

A. AN APPLICANT FOR IN-TRAINING REGISTRATION AS AN ARCHITECT, ENGINEER, GEOLOGIST OR LANDSCAPE ARCHITECT SHALL:

- 1. BE OF GOOD MORAL CHARACTER AND REPUTE;
- 2. HAVE GRADUATED FROM A SCHOOL APPROVED BY THE BOARD AS OF SATISFACTORY STANDING OR HAVE FOUR YEARS OR MORE OR, IF AN APPLICANT FOR IN-TRAINING REGISTRATION AS AN ARCHITECT, FIVE YEARS OR MORE, OF EDUCATION OR EXPERIENCE OR BOTH IN WORK IN THE DISCIPLINE IN WHICH REGISTRATION IS SOUGHT AND WHICH MEETS STANDARDS SPECIFIED BY THE BOARD IN ITS RULES; AND
- 3. HAVE PASSED THE IN-TRAINING EXAMINATION AS SPECIFIED BY THE BOARD IN ITS RULES IN THE DISCIPLINE IN WHICH REGISTRATION IS SOUGHT.

B. AN APPLICANT FOR IN-TRAINING REGISTRATION AS AN ASSAYER OR LAND SURVEYOR SHALL:

- 1. BE OF GOOD MORAL CHARACTER AND REPUTE;
- 2. HAVE GRADUATED FROM A SCHOOL APPROVED BY THE BOARD AS OF SATISFACTORY STANDING AND IN A CURRICULUM APPROVED BY THE BOARD IN ITS RULES AS PERTINENT TO THE PRACTICE OF THE DISCIPLINE IN WHICH REGISTRATION IS SOUGHT OR HAVE FOUR YEARS OR MORE OF EDUCATION OR EXPERIENCE OR BOTH IN THE DISCIPLINE IN WHICH REGISTRATION

IS SOUGHT AND WHICH MEETS STANDARDS SPECIFIED BY THE BOARD IN ITS RULES; AND

3. HAVE PASSED THE IN-TRAINING EXAMINATION AS SPECIFIED BY THE BOARD IN ITS RULES IN THE DISCIPLINE IN WHICH REGISTRATION IS SOUGHT.

C. THE BOARD MAY ESTABLISH BY RULE THE POINT IN TIME AT WHICH AN IN-TRAINING APPLICANT MAY BE ADMITTED TO THE IN-TRAINING EXAMINATION.

Section 15. Title 32, Chapter 1, Article 2, Arizona Revised Statutes, is amended by adding Section 32-122.01, to read:

32-122.01. QUALIFICATIONS FOR PROFESSIONAL REGISTRATION

A. AN APPLICANT FOR PROFESSIONAL REGISTRATION AS AN ARCHITECT, ENGINEER, GEOLOGIST OR LANDSCAPE ARCHITECT SHALL:

- 1. BE OF GOOD MORAL CHARACTER AND REPUTE;
- 2. HAVE ENGAGED ACTIVELY FOR AT LEAST EIGHT YEARS IN EDUCATION OR EXPERIENCE OR BOTH IN THE DISCIPLINE FOR WHICH REGISTRATION IS SOUGHT AND WHICH MEETS STANDARDS SPECIFIED BY THE BOARD IN ITS RULES; AND
- 3. UNLESS EXEMPTED UNDER THE PROVISIONS OF SECTION 32-126, ARIZONA REVISED STATUTES, HAVE PASSED BOTH THE IN-TRAINING AND THE PROFESSIONAL EXAMINATIONS PRESCRIBED BY THE BOARD IN ITS RULES.

B. AN APPLICANT FOR PROFESSIONAL REGISTRATION AS AN ASSAYER OR LAND SURVEYOR SHALL:

- 1. BE OF GOOD MORAL CHARACTER AND REPUTE;
- 2. HAVE ENGAGED ACTIVELY FOR AT LEAST SIX YEARS IN EDUCATION OR EXPERIENCE OR BOTH IN THE DISCIPLINE FOR WHICH REGISTRATION IS SOUGHT AND WHICH MEETS STANDARDS SPECIFIED BY THE BOARD IN ITS RULES; AND

3. UNLESS EXEMPTED UNDER THE PROVISIONS OF SECTION 32-126, ARIZONA REVISED STATUTES, HAVE PASSED BOTH THE IN-TRAINING AND THE PROFESSIONAL EXAMINATIONS PRESCRIBED BY THE BOARD IN ITS RULES.

C. IN DETERMINING YEARS OF ACTIVE ENGAGEMENT:

- 1. EACH YEAR OF STUDY SATISFACTORILY COMPLETED IN AN ARCHITECTURAL, ENGINEERING, GEOLOGICAL OR LANDSCAPE ARCHITECTURAL SCHOOL APPROVED BY THE BOARD

MAY BE CONSIDERED EQUIVALENT TO ONE YEAR OF ACTIVE ENGAGEMENT, UP TO A MAXIMUM OF FIVE YEARS, AND EACH YEAR OF TEACHING ARCHITECTURAL, ENGINEERING, GEOLOGICAL OR LANDSCAPE ARCHITECTURAL SUBJECTS IN A SCHOOL APPROVED BY THE BOARD MAY BE CONSIDERED EQUIVALENT TO A MAXIMUM OF ONE YEAR OF ACTIVE ENGAGEMENT.

2. EACH YEAR OF STUDY SATISFACTORILY COMPLETED IN AN ASSAYING OR LAND SURVEYING SCHOOL OR CURRICULUM APPROVED BY THE BOARD AS PERTINENT TO THE PRACTICE OF ASSAYING OR LAND SURVEYING, MAY BE CONSIDERED EQUIVALENT TO ONE YEAR OF ACTIVE ENGAGEMENT, UP TO A MAXIMUM OF FOUR YEARS, AND EACH YEAR OF TEACHING ASSAYING OR LAND SURVEYING OR OTHER COURSES APPROVED BY THE BOARD IN ITS RULES AS PERTINENT TO THE DISCIPLINE IN WHICH REGISTRATION IS SOUGHT AND IN A SCHOOL APPROVED BY THE BOARD MAY BE CONSIDERED EQUIVALENT TO A MAXIMUM OF ONE YEAR OF ACTIVE ENGAGEMENT.

D. EXPERIENCE CREDITED BY THE BOARD MUST BE <sup>acquired</sup> UNDER THE DIRECT SUPERVISION OF A PROFESSIONAL SATISFACTORY TO THE BOARD AND REGISTERED IN THE DISCIPLINE IN WHICH THE APPLICANT IS SEEKING REGISTRATION.

Section 16. Section 32-123, Arizona Revised Statutes, is amended to read:

32-123. Application for professional registration.

A. A person desiring to practice architecture, assaying, engineering, geology, landscape architecture, or land surveying shall make application for registration on a form prescribed by the board, subscribed under oath and accompanied by the application fee. If the evidence submitted satisfies the board that the applicant is fully qualified, PURSUANT TO THE PROVISIONS OF SECTION 32-122.01 OR 32-126, ARIZONA REVISED STATUTES, to practice the profession for which registration is asked, it shall give him a certificate of registration, signed by the chairman and secretary and attested by the official seal.

B. If in the judgment of the board the applicant has not furnished satisfactory evidence of qualifications for registration, PURSUANT TO SECTION 32-122.01 OR 32-126, ARIZONA REVISED STATUTES, it may require additional data, or may require the

applicant to submit to an ADDITIONAL oral or written examination specified by the board-in-its-rules-and-regulations RULES OF THE BOARD.

C. If the application is denied, the application fee shall be returned, less the cost of considering the application, as determined by the board.

Section 17. Section 32-124, Arizona Revised Statutes, is amended to read:

32-124. Registration, examination and miscellaneous fees.

The board shall publish in its rules a schedule of fees for applications, examinations, and such other miscellaneous fees for services rendered as required not-to-exceed-two-hundred-dollars.

Section 18. Section 32-125, Arizona Revised Statutes

NO CHANGE

Section 19. Section 32-126, Arizona Revised Statutes, is amended to read:

32-126. Registration without examination.

The board may register without examination an applicant who holds a valid and subsisting certificate of registration issued by another state or foreign country which has OR HAD requirements for registration substantially identical to those of this state AT THE TIME SUCH REGISTRATION WAS GRANTED, or who holds a certificate of qualification issued by a national bureau of registration or certification RECOGNIZED BY THE BOARD IN ITS RULES. IF THE OTHER STATE OR FOREIGN COUNTRY CANNOT CERTIFY ITS REGISTRATION REQUIREMENTS AT THE TIME REGISTRATION WAS GRANTED, THE APPLICANT SHALL BE REQUIRED TO MEET THE CURRENT STANDARDS FOR REGISTRATION IN THIS STATE AS SPECIFIED BY THE BOARD IN ITS RULES.

Section 20. Section 32-127, Arizona Revised Statutes

NO CHANGE

Section 21. Section 32-128, Arizona Revised Statutes, is amended to read:

32-128. Revocation of certificate; censure; probation; hearing; notice of finding.

A. The board may take disciplinary action against the holder of a certificate under this chapter, charged with the commission of any of the following acts:

1. Fraud or misrepresentation in obtaining a certificate of qualification, whether in the application or qualification examination.

2. Gross negligence, incompetence, bribery, or other misconduct in the practice of his profession.

3. Aiding or abetting an unregistered person to evade the provisions of this chapter or knowingly combining or conspiring with an unregistered person, or allowing one's registration to be used by an unregistered person or acting as agent, partner, associate or otherwise, of an unregistered person with intent to evade provisions of this chapter.

4. Violation of the rules or regulations of the board.

B. The board shall have authority to make investigations, employ investigators, and conduct hearings AND EMPLOY HEARING OFFICERS to determine whether a license issued under this chapter should be revoked or suspended upon a complaint in writing, under oath, or when the board, after receiving an oral or written complaint not under oath, makes an investigation into such complaint and determines that there is sufficient evidence to warrant a hearing, on its own motion may direct the secretary to file a verified complaint charging a possessor of a certificate under this chapter, with commission of an offense subject to disciplinary action and give notice of hearing. The board may issue subpoenas for the attendance of witnesses and the production of records pursuant to Section 41-1010, Subsection A, Paragraph 4. The secretary shall then serve upon the accused, by registered mail, a copy of the complaint together with notice setting forth the charge or charges to be heard and the time and place of hearing, which shall not be less than thirty days succeeding the mailing of notice.

C. The accused may appear personally or by his attorney at the hearing and present witnesses and evidence in his defense and he may cross-examine witnesses against him.

D. If seven FIVE or more members of the board find the accused guilty, he may be censured, or placed on probation, and fined an amount not to exceed two

thousand dollars or his certificate may be suspended or revoked but may be reissued upon the affirmative vote of seven FIVE or more members of the board. Should the certificate of a registrant who is a principal of a firm or executive officer of a corporation be suspended or revoked for cause attributable to the firm or corporation, said SUSPENSION OR revocation may be deemed just cause for SUSPENSION OR revocation of the certificates of all or any other principals or officers of the firm or corporation.

E. The board shall immediately notify the secretary of state and clerk of the board of supervisors of each county in the state of the SUSPENSION OR revocation of a certificate or of the reissuance of a SUSPENDED OR revoked certificate.

Section 22. Section 32-129, Arizona Revised Statutes

NO CHANGE

Section 23. Section 32-141, Arizona Revised Statutes, is amended to read:

32-141. Firm or corporate practice.

A. No firm or corporation shall engage in the practice of architecture, assaying, geology, engineering, landscape architecture, or land surveying unless the work is under the full authority and responsible charge of a registrant, who is also principal of the firm or officer of the corporation.

B. Firms or corporations shall identify responsible registrants. Each firm and corporation shall file with the board ON A FORM PRESCRIBED BY THE BOARD a list of responsible principals or officers, their registration certificate numbers and a description of the services the firm or corporation is offering to the public. The board shall be notified IN WRITING ON THE PRESCRIBED FORM WITHIN THIRTY DAYS of the change occurring in the list of principals or responsible corporate officers.

Section 24. Section 32-142, Arizona Revised Statutes

NO CHANGE

Section 25. Section 32-143, Arizona Revised Statutes

NO CHANGE

Section 26. Section 32-144, Arizona Revised Statutes, is amended to read:

32-144. Exemptions and limitations.

A. Architecture, engineering, geology, assaying, landscape architecture or land surveying may be practiced without compliance with the requirements of this chapter by:

- 1. An officer or employee of the United States, practicing as such,
- 2. An employee of a registrant or of a person exempt from registration, if such employment does not involve direct responsibility for design, inspection or supervision.

3. A nonregistrant who designs a building or structure, the cost of which does not exceed fifty SEVENTY-FIVE thousand dollars, or who designs alterations to any one single story building, the cost of which does not exceed fifteen TWENTY thousand dollars, or who designs a single family dwelling or additions or alterations to such dwelling.

4. A nonregistrant who designs a water or wastewater treatment plant, or extensions, additions, modifications or revisions, or extensions to water distribution or collection systems, if the total cost of such construction does not exceed two FIVE thousand five hundred dollars.

5. A nonregistrant who designs buildings or structures to be erected on property owned or leased by him or by a person, firm or corporation, including a utility, telephone, mining or railroad company, which employs such nonregistrant on a full-time basis, if the buildings or structures are intended solely for the use of the owner or lessee of the property and are not for sale to, rental to or use by the public.

B. The requirements of this chapter shall not apply to work done by any communications common carrier or its affiliates or any public service corporation

or manufacturing industry or by full-time employees of any of them, provided such work is in connection with or incidental to the products, systems or non-engineering services of such communications common carrier or its affiliates or public service corporation or manufacturing industry, and provided that the engineering service is not offered directly to the public.

Section 27. Section 32-145, Arizona Revised Statutes

NO CHANGE

- Charles E. O'Connell, Chairman
- Heath A. Ryan, Vice Chairman
- William S. Goshin, Secretary
- Silas Brown, Member
- Patrick J. Pitzer, Member
- Rayon G. Carley, Member
- John A. Wigg, Member
- Richard C. Howard, Member
  
- Gary L. Shultz, Asst. Attorney General
- John G. Kelly, Executive Director
- Irvin S. Sussman, Assistant to the Director
- Margaret Holmes, Administrative Secretary

These persons constituted a quorum.

Minutes and rolls and agenda for the Board to convene in Executive Session, at the discretion of the Executive Director, the Board proceeded in open session.

Item 3 - Lawyer Litigation

Chairman O'Connell entertained a motion from Mr. Goshin to reconsider Motion #1 of December 3, 1981, regarding the last paragraph litigation and to propose that the Assistant Attorney General consult with the attorney representing the last paragraph in an attempt to have the compliance of December 3 withdrawn and further to request that the Assistant Attorney General respond only to the submission and withdrawal statements raised on or after the date by the participants and if possible not to make any additional procedural statements. Moved by Mr. Howard. Mr. Wigg moved to amend to delete the language from "and further to request..." Mr. Goshin refused to accept the amendment but withdrew this motion.

Mr. Wigg moved that the Board reconsider Motion #1 of December 3, 1981 relating to last paragraph and that the Assistant Attorney General be requested to consult with the attorney representing the last paragraph in an attempt to have the compliance of December 3 withdrawn. Moved by Mr. Howard. Discussion on this motion and the Board voted. Mr. Goshin moved to reconsider the last part of his original motion. Mr. Wigg refused to accept the amendment. After that procedure discussed, the roll was called on Mr. Wigg's motion. Mr. Goshin stated that the record shows that the motion to reconsider was a result of the second complaint, not just because

## ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

## SPECIAL MEETING

December 18, 1981

## AGENDA

The special meeting of the State Board of Technical Registration, held at Phoenix, Arizona, Room 315, 1645 W. Jefferson, was called to order by Chairman Charles E. O'Bannon at 2:00 p.m.

PRESENT: Charles E. O'Bannon, Chairman  
Jimmie R. Nunn, Vice Chairman  
William S. Gookin, Secretary  
Silas Brown, Member  
Patricia J. Finley, Member  
Wayne O. Earley, Member  
John B. Riggs, Member  
Hector C. Durand, Member

Gary L. Sheets, Asst. Attorney General  
Judi E. Ross, Executive Director  
Bruce R. Rosenhan, Assistant to the Director  
Margaret Holmes, Administrative Secretary

Those present constituted a quorum.

Motion was made and seconded for the Board to convene in Executive Session. At the conclusion of the Executive Session, the Board reconvened in open session.

Land Surveyor Litigation

Chairman O'Bannon entertained a motion from Mr. Gookin to rescind Motion #2 of December 5, 1981, regarding the Land Surveyor Litigation and to request that the Assistant Attorney General consult with the attorney representing the Land Surveyors in an attempt to have the complaint of December 9 withdrawn and further to request that the Assistant Attorney General respond only to the substantive and procedural arguments raised now or in the future by the petitioner and if possible not to raise any unrelated procedural arguments. Second by Mr. Durand. Mr. Riggs moved an amendment to strike the language from "and further to request. . ." Mr. Gookin refused to accept the amendment but withdrew this motion.

Mr. Riggs moved that the Board rescind Motion #2 of December 5, 1981 relating to Land Surveyors and that the Assistant Attorney General be requested to consult with the attorney representing the Land Surveyors in an attempt to have the complaint of December 9 withdrawn. Second by Mr. Durand. Discussion on the motion and its intent ensued. Mr. Gookin moved to reinstate the last part of his original motion. Mr. Riggs refused to accept the amendment. After some procedural discussion, the vote was called on Mr. Rigg's motion. Mr. Sheets stated that the record should show that the motion to rescind was a result of the second complaint, not just because

the Board changed its mind. Motion passed, with Chairman O'Bannon voting aye and three abstentions as follow:

- Ms. Finley: Ms. Finley explained her abstention for the record. She explained that she had previously disclosed to the Board her relationship with opposing counsel and had voted on the motion to refrain from granting additional licenses with no questions raised. Based on general, not specific, discussions with other attorneys, she believed she had no conflict because she dated opposing counsel. She had made no disclosures relating to Executive Session materials, but was not voting in order not to become a political football, or taint the Board's decision in any way especially since the Board is undergoing Sunset.
- Mr. Durand: Abstained because, although he saw no conflict, he was a land surveyor and would prefer to abstain.
- Mr. Earley: Abstained because Ms. Finley and Mr. Durand abstained. He further stated that he vehemently abstained and protested the whole fact, proceedings, advice, recommendation, actions and lack of recommendations and actions.

Further efforts to amend the motion failed.

Mr. Earley wanted to make a speech and he stated that he thinks that our Attorney General has in all cases acted with great intelligence, perserverance, dilligence and honesty. He believes the difference of our Attorney General with this Board lies primarily in a difference of philosophy. Of a difference of methods not a difference in goals or objectives of the service to the state of Arizona.

III.

#### BUSINESS REPORTS ON THE JOINT COMMITTEE OF REFERENCE AND RECOMMENDATIONS

Ms. Ross reported on the committee. She gave a short report on what transpired at the hearing before the Joint Committee of Reference. The recommendations that came out of the Joint Committee of Reference were that the Board be continued for 4 years; that it be continued, however, only for the registration of Engineers, Architects and Land Surveyors, and the professions of Geology, Assaying and Landscape Architectural be de-regulated; that the Board be re-constituted as a 7 member instead of a 9 member board composed of 2 engineers, 2 architects, a land surveyor and 2 public members; and that the appointments require Senate Confirmation. Further, the Committee recommended that the Board respond, in writing, as recommended in the Audit report to the Legislature, once the Board's rules were approved and certified and that the written report address the specific issues raised by the Auditor General in regards to the rules. There was also a motion that legislation reflecting the Joint Committee's recommendations be introduced in the Senate.

Dr. O'Bannon indicated he will be calling a special meeting on January 5 and he hopes that the members will have had time to review what this means and what the Board's position should be. He believed that the Board should be unified in its position. He opened the meeting for a general discussion.

Ms. Ross stated that the Committee was strongly behind the recommendation, except for Representative Debbie McCune, who is filing a minority report, which will state her views that the Board should be continued for all the professions. Ms. Ross has met with Rep. McCune at her request and discussed arguments for this position.

Mr. Earley expressed his concern for the recommendation that came out of the committee regarding the dropping of Geologists, Assayers and Landscape Architects.

Mr. Brown stated that the Geologist Association is interested first in the Board continuing and second in continuing Geologist registration.

Ms. Ross stated that letter writing campaigns should be initiated to the Senate and House and that contact be made with the local representatives and key legislators regarding safety, health and welfare concerns. She believed that the legislature lacks an awareness of the relationship between these professions and the public health and safety.

Mr. Earley stated that he would feel more comfortable if he knew that this Board had an organized aggressive plan of action to avoid or keep the other disciplines from being Sunsetting.

Mr. Nunn stated he was amazed at the positive, solid front of that committee. They are tough, they are united and it looks like it is going to be a hard fight since they are united.

Mr. Earley stated that we had no plan of action, and that we were totally defenseless. He would had felt better if our public member had been there because there was some discussion on that and it would have been very important for her to be there.

Ms. Finley stated that we have to be very careful about facing the issue because there are a number of aspects and we look self-serving if we say "yes we want to keep all of our folks." It will dishearten and no doubt anger members of the three professions, if we vote "No we don't want them in here" and they stay on - think of the conflict within the Board. Think of it from both sides. There is also a danger in being neutral; it looks like we don't care, we don't want to do anything about it.

Mr. Nunn expressed concern and stated that any loss of one of our disciplines is a weakening to all of the other disciplines, and an erosion of the principles of the Board and all the professions. He believes that any erosion of any discipline affects all disciplines.

Mr. Riggs stated that we are really walking a fine line, and should give a great deal of thought to the approach the Board takes. If it is not done right the Board could come out of the session without some of the professions and without our house cleaning bill and be in worse shape than now.

Dr. O'Bannon stated that the Board would not vote on the issue today but rather on January 5, at which time we should take a direct, positive approach to the issue rather than a negative approach.

Mr. Riggs made a motion to adjourn the meeting. Second by Mr. Nunn.

## MOTIONS OF SPECIAL MEETING - DECEMBER 18, 1981

1. Mr. Gookin moved to rescind motion #2 of December 5th. - moved that the Assistant Attorney General be requested to consult with the attorney representing the Land Surveyors in an attempt to have the complaint of December 9th withdrawn.
2. Further moved to request the Assistant Attorney General to respond only to substantive and procedural arguments raised now or in the future by the petitioner and if possible not to raise any unrelated procedural arguments. SECOND by Mr. Durand.
- 1a. Mr. Riggs made an amendment to the motion to strike the last sentence where it begins ..."further move..."
- 1b. Mr. Gookin refused to accept that amendment.
- 1c. Mr. Gookin withdrew his motion.
3. Mr. Riggs moved that we rescind motion #2 December 5 relating to Land Surveyors litigation. Moved that the Assistant Attorney General be requested to consult with the attorney representing the Land Surveyors and attempt to have the complaint of December 9 withdrawn. SECOND by Mr. Durand. MOTION CARRIED
- 3a. Mr. Gookin moved to amend the motion by adding the following: Moved to request the Assistant Attorney General to respond only to substantive or procedural arguments raised now or in the future by the petitioner and not to raise any unrelated procedural arguments.
- 3b. Mr. Riggs did not accept the amendment
4. Mr. Gookin moved that the Asst. Attorney General be instructed to respond only to substantive or procedural arguments raised now or in the future by the petitioner and not to raise unrelated procedural arguments. SECOND Mr. Durand. MOTION FAILED
- 4a. Mr. Durand moved to amend the motion in accordance to C447424 and that has to do with the initial one and the second one. Refer only to the initial action by the petitioner and set before the court. He amends the motion so that it would not include the administrative appeal. NO SECOND to the motion.
5. Mr. Riggs moved to adjoin the meeting. SECOND by Mr. Nunn