

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 9. DEPARTMENT OF AGRICULTURE AGRICULTURAL COUNCILS

PREAMBLE

1. Sections Affected

Chapter 9
R3-9-401
R3-9-402
R3-9-403
R3-9-404
R3-9-405

Rulemaking Action

Amend
New Section
New Section
New Section
New Section
New Section

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 3-553(A)(2)

Implementing statute: A.R.S. § 3-553

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 8 A.A.R. 4010, September 20, 2002

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Sherry D. Blatner, Rules Specialist

Address: Arizona Department of Agriculture
1688 W. Adams, Room 235
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: sherry.blatner@agric.state.az.us

5. An explanation of the rule, including the agency's reasons for initiating the rule:

This rulemaking establishes procedures for governance of the Commission as prescribed under A.R.S. § 3-553.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, any analysis of each study and other supporting material:

None

Arizona Administrative Register
Notices of Proposed Rulemaking

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

A. *The Arizona Wine Commission and the Arizona Department of Agriculture.*

The Commission and the Department will incur modest expenses related to educating the regulated community on the new Sections.

B. *Political Subdivision.*

Other than the Commission and the Department, the Office of Administrative Hearings may be affected by this rulemaking if a hearing is requested.

C. *Businesses Directly Affected By the Rulemaking.*

Wine producers, growers, wholesalers, and retailers are the beneficiaries of the marketing, research, and education initiatives undertaken by the Commission.

The regulated community the Commission serves, and their attorneys, will be beneficially affected by the use of the uniform administrative procedures of the Office of Administrative Hearings.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Sherry D. Blatner, Rules Specialist

Address: Arizona Department of Agriculture
1688 W. Adams, Room 235
Phoenix, AZ 85007

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10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Commission will schedule a public hearing if a written request for a public hearing is made to the person in item #4.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 3. AGRICULTURE

**CHAPTER 9. DEPARTMENT OF AGRICULTURE
AGRICULTURAL COUNCILS AND COMMISSIONS**

ARTICLE 4. ARIZONA WINE COMMISSION

Section	
<u>R3-9-401.</u>	<u>Definitions</u>
<u>R3-9-402.</u>	<u>Elections</u>
<u>R3-9-403.</u>	<u>Hearings</u>
<u>R3-9-404.</u>	<u>Producer List</u>
<u>R3-9-405.</u>	<u>Records</u>

Arizona Administrative Register
Notices of Proposed Rulemaking

ARTICLE 4. ARIZONA WINE COMMISSION

R3-9-401. Definitions

In addition to the definitions in A.R.S. § 3-551, the following term applies to this Article:

“Department” means the Arizona Department of Agriculture.

R3-9-402. Elections

- A.** The Commission shall elect officers during the first quarter of each calendar year.
- B.** Officers shall continue in office until the next annual election is held.
- C.** An officer may be successively reelected.

R3-9-403. Hearings

- A.** The Commission shall use the uniform administrative procedures of A.R.S. Title 41, Chapter 6, Article 10 to govern any hearing before the Commission.
- B.** A party may file a motion for rehearing or review under A.R.S. § 41-1092.09.
- C.** The Commission shall grant a rehearing or review of an administrative law decision for any of the following causes materially affecting the moving party’s rights:
 - 1.** The decision is not justified by the evidence or is contrary to law.
 - 2.** There is newly discovered material evidence which could not with reasonable diligence have been discovered and produced at the original proceeding.
 - 3.** One or more of the following has deprived the party of a fair hearing:
 - a.** Irregularity or abuse of discretion in the conduct of the proceeding;
 - b.** Misconduct of the Commission, the administrative law judge, or the prevailing party; or
 - c.** Accident or surprise which could not have been prevented by ordinary prudence.
 - 4.** Excessive or insufficient sanction.
- D.** The Commission may grant a rehearing or review to any or all of the parties. The rehearing or review may cover all or part of the issues for any of the reasons stated in subsection (C). An order granting a rehearing or review shall particularly state the grounds for granting the rehearing or review, and the rehearing or review shall cover only the grounds stated.

R3-9-404. Producer List

The Commission shall create an Arizona Wine Producers List as prescribed under A.R.S. § 3-553(7). The Commission shall update the List annually, by June 30.

R3-9-405. Records

The Department shall retain the Commission’s records as prescribed under A.R.S. § 3-554. A record may be reviewed at the Department’s main office, Monday through Friday, except an Arizona legal holiday, during the hours of 8:00 a.m. to 5:00 p.m. The Department shall provide a copy of a record to a member of the public in accordance with the Department’s public record request policy.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

PREAMBLE

1. Sections Affected

R4-30-101
R4-30-102
R4-30-106
R4-30-107
R4-30-120
R4-30-121
R4-30-123
R4-30-124
R4-30-201
R4-30-209
R4-30-212

Rulemaking Action

Amend
New Section
Amend
Amend
Amend
Amend
Amend
Repeal
Amend
Amend
Amend

Arizona Administrative Register
Notices of Proposed Rulemaking

R4-30-214	Amend
R4-30-224	Amend
R4-30-247	New Section
R4-30-301	Amend
R4-30-301.01	New Section
R4-30-302	Amend
R4-30-303	Amend
R4-30-304	Amend
Appendix A	Repeal
Appendix B	Repeal
Appendix C	Repeal
Appendix D	Repeal
Appendix F	Repeal

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 32-106(A)(1), (5), (6), and (9)

Implementing statutes: A.R.S. §§ 32-106(F) and 32-122.02

3. A list of all previous notices appearing in the Register addressing the proposed rules:

Notice of Rulemaking Docket Opening: 8 A.A.R. 2641, June 21, 2002

Notice of Rulemaking Docket Opening: 8 A.A.R. 4299, October 11, 2002

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Nan Mitchell

Address: 1110 W. Washington, Suite 240
Phoenix, AZ 85007

Telephone: (602) 364-4944

Fax: (602) 364-4931

5. An explanation of the rules, including the agency's reasons for initiating the rules:

The agency is updating existing rules to make them consistent with the recent statutory changes, agency practice, and current rulewriting standards. In addition, the provisions of A.R.S. § 32-122.02 require the agency to regulate the certification of home inspectors, and to establish rules regarding certification. This portion of the proposed rules will replace the Emergency Rules currently in place, enacted by the Attorney General on August 14, 2002. These Emergency Rules will expire on February 15, 2003 and cannot be renewed. As a result, the agency is requesting that these rules have an immediate effective date when they are filed with the Office of the Secretary of State. In addition, the addendum in the Board's rules are out-dated and have been replaced by current documents available to the general public on the Board's web site. References to the addendum contained in the current rules have been eliminated.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, any analysis of each study and other supporting material:

None

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

None

8. The preliminary summary of the economic, small business, and consumer impact:

The proposed general changes to the current rules are needed as a result of review of existing rules, updating them to comply with current business practices and modern rulemaking standards. The agency must also come into compliance with A.R.S. § 32-122.02 requiring that rules be established regulating the certification of home inspectors. The general rule changes will impose a minimal administrative burden on the agency. It is anticipated that there will also be minimal economic impact on other state agencies, such as the Secretary of State and the Governor's Regulatory Review Council. The implementation of the rules regarding home inspector certification will impose administrative burden on the agency because it is anticipated that the Board will process several hundred applications and subsequent annual renewals. The Board will also be responsible for investigation of allegations of wrongdoing made

Arizona Administrative Register
Notices of Proposed Rulemaking

against certified home inspectors. It is anticipated that there will be minimal economic impact on other state agencies as a result of the implementation of home inspection certification rules. Certification requirements are imposed on individuals, who will bear minimal costs or have the cost borne by their employers. Minimal increased cost of home inspections to consumers may result; however, it is anticipated that consumers will benefit from the home inspector certification rules due to required education and training of individuals conducting home inspections, as well as having recourse should complaints arise.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Nan Mitchell
Address: 1110 W. Washington, Suite 240
Phoenix, AZ 85007
Telephone: (602) 364- 4944
Fax: (602) 364-4931

10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

No oral proceeding is currently scheduled. Under A.R.S. § 41-1023(C), an oral proceeding will be scheduled if a written request is submitted to the person identified in item #4 within 30 days after publication of this notice. Oral and written comments about the proposed rule may also be submitted to the person identified in item #4.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

“Standards of Professional Practice” adopted by the Arizona Chapter of the American Society of Home Inspectors, Inc. on January 1, 2002, are referred to in R4-30-301.01 and attached to this document.

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

ARTICLE 1. GENERAL PROVISIONS

R4-30-101. Definitions
R4-30-102. ~~Repealed~~ Home Inspection Definitions
R4-30-106. Fees
R4-30-107. Registration Expiration Dates; ~~Mandatory Issuance of Codes and Rules~~
R4-30-120. Complaint Review Process
R4-30-121. Investigation of Violations
R4-30-123. Informal Compliance Procedures
R4-30-124. ~~Hearings~~ Repealed

ARTICLE 2. REGISTRATION PROVISIONS

R4-30-201. Professional Registration
R4-30-209. Time-frames for Professional Registration, Certification, or In-training Designation
R4-30-212. Architect-in-training Designation
R4-30-214. Architect Registration
R4-30-224. Engineer Registration
R4-30-247. Home Inspector Certification

ARTICLE 3. REGULATORY PROVISIONS

R4-30-301. Rules of Professional Conduct
R4-30-301.01. Home Inspector Rules of Professional Conduct
R4-30-302. ~~Electrical engineering~~ Plans
R4-30-303. Securing Seals

Arizona Administrative Register
Notices of Proposed Rulemaking

- R4-30-304. Use of Seals
Appendix A. ~~Professional Application Long Form~~ Repealed
Appendix B. ~~Certificate of Experience Record and Reference Form~~ Repealed
Appendix C. ~~Professional Application Short Form~~ Repealed
Appendix D. ~~In-Training Application~~ Repealed
Appendix E. ~~NCARB 1989-1990 Circular of Information No. 1~~ Repealed
Appendix F. ~~Securing Seal - Sample~~ Repealed

ARTICLE 1. GENERAL PROVISIONS

R4-30-101. Definitions

The following definitions apply in this Chapter unless the context otherwise requires:

1. No change
2. No change
3. No change
4. No change
5. "Category" means the ~~registration categories~~ professions of architecture, assaying, geology, engineering, landscape architecture, and land surveying.
6. No change
7. No change
8. No change
9. No change
10. "Good moral character and repute" ~~shall be~~ is established if the registration or certification candidate:
 - a. Has not been convicted of a class 1 felony as defined in A.R.S. § 13-601(A).
 - b. Has not been convicted of a felony or misdemeanor if the offense has a reasonable relationship to the functions of the employment or category for which the registration, certification, or designation is sought, except that this subsection does not apply to an applicant for certification as a home inspector who can show documentation of absolute discharge from sentence at least five years before the date of application;
 - c. Has not, within five years of application for registration or certification, committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence reasonably related to the candidate's proposed area of practice;
 - d. Is not currently incarcerated in a penal institution;
 - e. Has not engaged in fraud or misrepresentation in connection with the application for registration, certification, or related examination;
 - f. Has not had a registration or certification revoked or suspended for cause by this state or by any other jurisdiction, or surrendered a professional license in lieu of disciplinary action;
 - g. Has not practiced without the required technical registration or certification in this state or in another jurisdiction within the two years immediately preceding the filing of the application for registration or certification; ~~or and~~
 - h. Has not, within five years of application for registration or certification, committed an act that would constitute unprofessional conduct, as set forth in R4-30-301 or R4-30-301.01.
11. No change
12. No change
13. "Other misconduct" means the registrant:
 - a. Has been convicted of a class 1 felony;
 - b. Has been convicted of a felony or misdemeanor, if such offense has a reasonable relationship to the functions of the registration;
 - c. Is presently incarcerated in a penal institution;
 - d. Has had a professional license or registration suspended or revoked for cause by this state or by any other jurisdiction or has surrendered a professional license in lieu of disciplinary action;
 - e. Has knowingly acted in violation or knowingly failed to act in compliance with any provisions of the Act, or rules of the Board or any state, municipal, or county law, code, ordinance, or regulation pertaining to the practice of the registrant's professional practice;
 - f. Has refused to respond fully to a Board inquiry relating to an applicant's qualifying experience, or provided the Board with false information relating to an applicant's qualifying experience.
14. No change
15. No change
16. No change
17. No change
18. No change

Arizona Administrative Register
Notices of Proposed Rulemaking

19. "Registrant" means a person or firm who has been granted registration or certification to practice any profession ~~authorized to be registered~~ regulated pursuant to the Act.
20. No change
21. No change
22. No change

R4-30-102. ~~Repealed~~ Home Inspection Definitions

The following definitions apply only to home inspections conducted under this Chapter:

1. "Automatic safety controls" means devices designated and installed to protect systems and components from high or low pressures and temperatures, electrical current, loss of water, loss of ignition, fuel leaks, fire, freezing, or other unsafe conditions.
2. "Central air conditioning" means a system that uses ducts to distribute cooled and/or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and that is not plugged into an electrical convenience outlet.
3. "Component" means a readily accessible and observable aspect of a system, such as a floor or wall, but not individual pieces such as boards or nails where many similar pieces make up the system.
4. "Cross connection" means any physical connection or arrangement between potable water and any source of contamination.
5. "Dangerous or adverse situations" means situations that pose a threat of injury to the inspector, and those situations that require the use of special protective clothing or safety equipment.
6. "Dismantle" means to take apart or remove any component, device or piece of equipment that is bolted, screwed, or fastened by other means and that would not be taken apart or removed by a homeowner in the course of normal household maintenance.
7. "Major defect" means a system or component that is dangerous or not functioning.
8. "Observe" means the act of making a visual examination of a system or component and reporting on its condition.
9. "Onsite water supply quality" means water quality based on the bacterial, chemical, mineral, and solids content of the water.
10. "Parallel inspection" means a home inspection by a candidate supervised by a certified home inspector, in the presence of no more than three other candidates, that includes a written report prepared by the candidate and reviewed by the supervising certified home inspector.
11. "Primary windows and doors" means windows and/or exterior doors which are designed to remain in their respective openings year round.
12. "Readily openable access panel" means a panel provided for homeowner inspection and maintenance that has removable or operable fasteners or latch devices in order to be lifted off, swung open, or otherwise removed by one person, and its edges and fasteners are not painted in place. Limited to those panels within normal reach or from a 4-foot step-ladder, and that are not blocked by stored items, furniture, or building components.
13. "Recreational facilities" means spas, saunas, steam baths, swimming pools, tennis courts, play-ground equipment, and other exercise, entertainment, or athletic facilities.
14. "Representative number" means for multiple identical components such as windows and electrical outlets, the inspection of one such component per room. For multiple identical exterior components, the inspection of one such component on each side of the building.
15. "Safety glazing" means tempered glass, laminated glass, or rigid plastic.
16. "Shut down" means a piece of equipment whose switch or circuit breaker is in the "off" position, or its fuse is missing or blown, or a system cannot be operated by the device or control which a home owner should normally use to operate it.
17. "Solid fuel heating device" means any wood, coal, or other similar organic fuel burning device, including but not limited to fireplaces whether masonry or factory built, fireplace inserts and stoves, wood stoves (room heaters), central furnaces, and combinations of these devices.
18. "Structural component" means a component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads). For purposes of this definition, a dead load is the fixed weight of a structure or piece of equipment, such as a roof structure on bearing walls; and a live load is a moving variable weight added to the dead load or intrinsic weight of a structure.
19. "System" means a combination of interacting or interdependent components, assembled to carry out one or more functions.
20. "Technically exhaustive" means an inspection involving measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.

Arizona Administrative Register
Notices of Proposed Rulemaking

R4-30-106. Fees

A. The Board shall charge the following fees:

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change

11. The annual renewal fee for certification as a home inspector is \$400.00.

B. A person paying fees shall remit them in United States dollars in the form of cash, check, or money order; ~~however if~~ If a check is returned for insufficient funds, repayment, including payment of the returned check charge, ~~the person paying fees shall remit them~~ shall be made in the form of cash, money order, or certified check.

C. No change

D. No change

R4-30-107. Registration Expiration Dates, ~~Mandatory Issuance of Codes and Rules~~

A. Registrants' triennial registration expiration dates are based upon the date of initial registration. The following table indicates registration renewal periods:

<u>Initial Registration Granted Date</u>	<u>Initial Triennial Renewal Expiration Date</u>
Jan. 1 thru Mar. 31	3 years from Mar. 31
Apr. 1 thru Jun. 30	3 years from Jun. 30
Jul. 1 thru Sep. 30	3 years from Sep. 30
Oct. 1 thru Dec. 31	3 years from Dec. 31

B. No change

~~C. The Board shall issue to each new and renewing registrant a copy of the statutes and rules governing the practice of the registered professions. All costs of this program shall be included in the renewal fees assessed by the Board.~~

C. Home inspector certifications expire one year from the date of issuance.

R4-30-120. Complaint Review Process

A. The Board shall select a pool of volunteers who have submitted resumes and letters of interest to ~~voluntarily~~ serve on enforcement advisory committees. The Executive Director shall select registrants and public members from the pool of volunteers to serve on the committees as needed. Each committee shall ~~have a minimum of~~ be comprised of one public member and a minimum of four registrants, at least one of whom is registered in the same category or branch as the respondent ~~and 1 public member~~. The committee members shall provide technical assistance to Board staff in the evaluation and investigation of complaints. A quorum of three committee members is required for each committee meeting.

B. No change

C. No change

D. No change

E. No change

F. No change

G. No change

R4-30-121. Investigation of Violations

If any information concerning a possible violation of the Act or any of these rules is received or obtained by the Board or Board staff, an investigation shall be conducted prior to the initiation of formal proceedings. Investigative reports, enforcement advisory committee recommendations, and other documents and materials relating to an investigation shall remain confidential until the matter is closed, until the issuance of a hearing notice under A.R.S. § 32-128, or until the matter is settled by consent order; ~~however, the~~ The Board staff shall inform the respondent that an investigation is being conducted and provide an explanation of the general nature of the investigation. The Board may refer investigative information to other public agencies as appropriate under the circumstances.

R4-30-123. Informal Compliance Procedures

A. Upon notification of the recommendation of an enforcement advisory committee, a registrant may attend ~~an informal~~ a compliance conference with Board staff. The registrant may appear with or without counsel. The Board staff shall mail the notice of the compliance conference to the registrant at least 15 days prior to the date of the conference. The purpose of

Arizona Administrative Register
Notices of Proposed Rulemaking

the compliance conference is to discuss informal settlement of the investigative matter. Upon completion of the interview, ~~the a~~ Board's enforcement officer shall make recommendations to the Board.

- B.** At any time either before or after formal disciplinary proceedings have been instituted against a registrant, the registrant may submit to the Board an offer of settlement whereby, in lieu of formal disciplinary action by the Board, the registrant agrees to accept certain sanctions such as suspension, civil penalties, enrolling in ~~continuing education~~ appropriate professional education courses, limiting the scope of practice, submitting work product to professional peer review, or other sanctions. If the Board determines that the proposed settlement will adequately protect the public welfare, the Board may accept the offer and enter a decision consented to by the registrant incorporating the proposed settlement.

R4-30-124. Hearings Repealed

- ~~**A.** All hearings before the Board or an administrative law judge are held in accordance with A.R.S. § 32-128 and A.R.S. Title 41, Chapter 6, Article 10.~~
- ~~**B.** If the respondent fails to answer the complaint or fails to appear at the hearing, the Board or administrative law judge may vacate the hearing. If a hearing is vacated, the Board may deem the acts and violations charged in the complaint admitted, and impose any of the sanctions provided by A.R.S. § 32-128.~~

ARTICLE 2. REGISTRATION PROVISIONS

R4-30-201. Professional Registration

- A.** No change
- B.** A candidate who wishes to sit for professional examination shall submit to the Board an original and one copy of a completed application for professional examination, and provide the following information:
1. No change
 2. No change
 3. No change
 4. No change
 5. A detailed explanatory statement, regarding:
 - a. Any disciplinary action, including suspension and revocation, taken by any ~~other~~ state or jurisdiction on any registration or license held by the candidate in any ~~other~~ state or jurisdiction;
 - b. Refusal of registration or license by any ~~other~~ state or jurisdiction;
 - c. Any pending disciplinary action in any ~~other~~ state or jurisdiction on any registration or license held by the candidate;
 - d. No change
 - e. No change
 6. No change
 7. No change
 8. No change
 9. No change
 10. Name, current address, and telephone number, ~~and facsimile number~~ of the candidate's current and former employers in the category for which registration is sought; dates of employment; candidate's title; description of the work performed; and number of hours worked per week;
 11. No change
 12. No change
 13. No change
 14. No change
 15. ~~An affidavit~~ Certification that the information provided to the Board is accurate, true, and complete.
- C.** No change
- D.** No change
- E.** No change
- F.** Applications for registration renewal shall be accepted only if the applicant has responded to the questions on the application for renewal relating to good moral character and other misconduct as defined in these rules, and has signed the application for renewal. Incomplete applications for renewal shall be returned to the applicant and may result in penalty fees being added.

R4-30-209. Time-frames for Professional Registration, Certification, or In-training Designation

- A.** Within 60 days of receiving the initial application package for professional registration, certification, or in-training designation, the Board shall finish an administrative completeness review.
1. If the application package is complete, the Board shall notify the candidate that the package is complete and that the administrative review is finished.

Arizona Administrative Register
Notices of Proposed Rulemaking

2. If the application package is incomplete, the Board shall notify the candidate that the package is deficient and specify the information or documentation that is missing. All time-frames are suspended from the date the notice is mailed to the candidate until the Board receives all missing information or documentation.
 3. A candidate with an incomplete application package shall supply the missing information or documentation within 90 days from the date of the notice of deficiencies. If the candidate fails to supply the missing information or documentation, the Board may close the candidate's application file. Any fee paid by the candidate is non-refundable. A candidate whose file has been closed and who later wishes to apply for professional registration, certification, or in-training designation shall submit a new application package and pay the applicable fee.
 4. If a candidate requests to sit for the professional or in-training examination, the time-frames in R4-30-210 apply until the Board grants or denies the candidate's request to sit for the examination.
 5. If a candidate requests a waiver of examination under R4-30-203, the time-frames in R4-30-211 apply until the Board grants or denies the waiver of examination.
 6. If a candidate is applying for certification as a home inspector, the time-frames in this Section apply until the Board grants or denies certification.
- B.** No change
C. No change
D. For purposes of A.R.S. § 41-1073, the Board establishes the following time-frames for a candidate applying for professional registration or in-training designation:
1. Administrative completeness review time-frame: 60 days;
 2. Substantive review time-frame: 60 days; and
 3. Overall time-frame: 120 days, and not counting stopping of time in accordance with subsection (A)(2) of this rule.

R4-30-212. Architect-in-training Designation

- A.** No change
B. No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
 8. ~~Other architectural related experience: As defined in Appendices A and B of the 1994-1995 National Council of Architectural Registration Boards Circular of Information No. 1 (Appendix E).~~
 - 9.8. No change

R4-30-214. Architect Registration

- A.** A candidate shall provide evidence of diverse work experience, ~~which~~ that is of a character acceptable to the Board, that includes, but is not limited to, each of the following areas:
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
 8. No change
 9. No change
 10. No change
 11. No change
 12. No change
 13. No change
 14. No change
 15. No change
- B.** No change
C. ~~Candidates seeking registration under the provisions of A.R.S. § 32-126(A) and registered by 36 hour examination prior to December 1965 in states or U. S. Territories other than Alaska, California, Colorado, Guam, Hawaii, Idaho, Nevada, New Mexico, Oregon, Utah, or Washington, or by education and experience only, shall successfully complete seismic~~

Arizona Administrative Register
Notices of Proposed Rulemaking

structural technology examination designated by the Board and provided by the National Council of Architectural Registration Boards.

R4-30-224. Engineer Registration

- A. Work experience credited toward the eight-year active engagement requirement shall be directly related to the applicant's branch of engineering and of a character satisfactory to the Board and attained as described in ~~R4-30-224~~ R4-30-222, except that work experience for specific branches of engineering as described in ~~R4-30-224~~ R4-30-222 shall be for the purpose of qualifying a candidate for registration only and shall not be construed to restrict or confine the work practices of or engineering engagements accepted by a registrant.
- B. No change
- ~~C. For candidates requesting registration as Civil, Sanitary or Structural Engineers, the Board shall designate the required examination questions to be answered.~~

R4-30-247. Reserved Home Inspector Certification

- A. An applicant for certification as a home inspector shall submit all of the following in an application package to the Board:
 - 1. An original and one copy of a completed application.
 - 2. Evidence of successful completion, within two years prior to the date of application, of the National Home Inspector Examination as administered by the Examination Board of Professional Home Inspectors.
 - 3. The information in subsections (B)(1) through (10).
 - 4. A completed fingerprint card.
 - 5. Applicable fees.
 - 6. Evidence of successful completion of 80 hours of classroom training or an equivalent course conducted by an educational facility that is licensed by the applicable post-secondary education regulatory agency in the home state of the facility, or accredited by the Accrediting Commission of the Distance Education and Training Council, or by an accrediting agency approved by the United States Department of Education. The course of study shall encompass the all of following major content areas:
 - a. Structural Components
 - b. Exterior
 - c. Roofing
 - d. Plumbing
 - e. Heating
 - f. Cooling
 - g. Electrical
 - h. Insulation and Ventilation
 - i. Interiors
 - j. Fireplaces and Solid Fuel-Burning Devices
 - k. Professional Practice
 - 7. An applicant who has lawfully conducted home inspections as part of a business shall provide evidence of successful completion of 100 home inspections that meet the standards referenced in R4-30-301.01 on a form provided by the Board. An applicant under this subsection shall meet all other requirements for certification as set out in this Section.
 - 8. In order to complete a home inspector in-training program, candidates who otherwise qualify for certification as a home inspector, except for being able to meet the qualifications in subsections (A)(7) of this Section, shall present evidence of completion of 30 parallel home inspections. The 30 parallel home inspections shall meet the standards in R4-30-301.01. The applicant shall conduct these inspections on separate residential dwelling units and shall list them on a log provided by the Board. The log shall include, with respect to each inspection, the address of the property, the date of the inspection, and the name and certification number of the attesting home inspector.
- B. The Board may hold an application package for a period of one year based on the need for time to complete the required parallel home inspections.
- C. The application shall contain the following information:
 - 1. Name, residence address, mailing address, e-mail address (if applicable), residence telephone number, and residence facsimile number (if applicable);
 - 2. Date of birth and social security number of the candidate;
 - 3. Citizenship or legal residence;
 - 4. A detailed explanatory statement regarding:
 - a. Any disciplinary action, including suspension and revocation, taken by another state or jurisdiction on any license or certification held by the applicant in any other state or jurisdiction;
 - b. Refusal of any license or certification by any other state or jurisdiction;
 - c. Any pending disciplinary action in any other state or jurisdiction on any license or certification held by the candidate;

Arizona Administrative Register
Notices of Proposed Rulemaking

- d. Any alias or other name used by the candidate;
- e. Any conviction for a felony or misdemeanor, other than a minor traffic violation.
- 5. Documentation of absolute discharge from sentence at least five years before the date of application if an applicant has been convicted of one or more felonies.
- 6. Jurisdiction in which any other license or certification is held; type of license or certification, number, year granted, and how license or certification was granted (that is, by examination, education, experience, or reciprocity).
- 7. The current status of any application for any type of license or certification pending in another state or jurisdiction.
- 8. A release authorizing the Board to investigate the candidate's education, experience, and good moral character and repute.
- 9. Certification that the information provided to the Board is accurate, true, and complete.
- 10. Copies of five reports that meet the standards in R4-30-301.01.
- D.** The Board staff shall review all applications and, if necessary, refer completed applications to the Home Inspector Rules and Standards Committee for evaluation. If the application is complete and in the proper form and the Board staff or committee is satisfied that all statements on the application are true and that the applicant is eligible in all other aspects to be certified as a home inspector, the Board staff or committee shall recommend that the Board certify the applicant. If the evidence is not clear and convincing of entitlement to certification, the matter shall be reviewed by the committee and the committee may request additional information regarding any issue upon which the applicant has not established entitlement by clear and convincing evidence.
- E.** If a certified home inspector loses financial assurance the inspector shall provide written notification to the Board within five business days. The Board shall suspend the certificate holder's certification immediately and prohibit further home inspections until current proof of financial assurance is provided to the Board. The Board shall revoke a certificate if the certificate holder fails to provide proof of financial assurance within ninety days of loss of financial assurance or lapse of policy. A candidate shall also provide proof of financial assurance at the time of each annual certification renewal. The Board shall not renew a home inspector certification unless the financial assurance is in full force and effect.

ARTICLE 3. REGULATORY PROVISIONS

R4-30-301. Rules of Professional Conduct

- A.** All registrants shall comply with the following standards of professional conduct:
- 1. A registrant ~~or certified remediation specialist~~ shall not submit any materially false statements or fail to disclose any material facts requested in connection with an application for registration or subpoena.
 - 2. A registrant ~~or certified remediation specialist~~ shall not engage in fraud, deceit, misrepresentation or concealment of material facts in advertising, soliciting, or providing professional services to members of the public.
 - 3. A registrant ~~or certified remediation specialist~~ shall not knowingly commit bribery of a public servant as proscribed in A.R.S. § 13-2602, knowingly commit commercial bribery as proscribed in A.R.S. § 13-2605, or violate any federal statute concerning bribery.
 - 4. A registrant ~~or certified remediation specialist~~ shall comply with state, municipal, and county laws, codes, ordinances, and regulations pertaining to the registrant's ~~or certified remediation specialist's~~ area of practice.
 - 5. A registrant ~~or certified remediation specialist~~ shall not violate any state or federal criminal statute involving dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, bribery, or breach of fiduciary duty, if the violation is reasonably related to the registrant's ~~or certified remediation specialist's~~ area of practice.
 - 6. A registrant ~~or certified remediation specialist~~ shall apply the technical knowledge and skill which would be applied by other qualified registrants ~~or certified remediation specialists~~ who practice the same profession in the same area at the same time.
 - 7. A registrant ~~or certified remediation specialist~~ shall not accept an assignment if the duty to a client or to the public would conflict with the registrant's ~~or certified remediation specialist's~~ personal interest or the interest of another client without full disclosure of all material facts of the conflict to each person who might be related to or affected by the project or engagement in question.
 - 8. A registrant ~~or certified remediation specialist~~ shall not accept compensation for services related to the same project or professional engagement from more than one party without making full disclosure to all such parties and obtaining the express written consent of all parties involved.
 - 9. A certified remediation specialist shall not accept any professional engagement or assignment outside the specialist's area of certification.
 - 10. A registrant ~~or certified remediation specialist~~ shall make full disclosure to all parties concerning:
 - a. Any transaction involving payments to any person for the purpose of securing a contract, assignment, or engagement, except for actual and substantial technical assistance in preparing the proposal; or
 - b. Any monetary, financial, or beneficial interest the registrant may hold in a contracting firm or other entity providing goods or services, other than the registrant's ~~or certified remediation specialist's~~ professional services, to a project or engagement.

Arizona Administrative Register
Notices of Proposed Rulemaking

11. A registrant ~~or certified remediation specialist~~ shall not solicit, receive, or accept compensation from material, equipment, or other product or services suppliers for specifying or endorsing their products, goods or services to any client or other person without full written disclosure to all parties.
12. If a registrant's ~~or certified remediation specialist's~~ professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare may result, the registrant ~~or certified remediation specialist~~ shall immediately notify the responsible party, appropriate building official, or agency, and the Board of the specific nature of the public threat.
13. If called upon or employed as an arbitrator to interpret contracts, to judge contract performance, or to perform any other arbitration duties, the registrant ~~or certified remediation specialist~~ shall render decisions impartially and without bias to any party.
14. No change
15. A registrant ~~or certified remediation specialist~~ shall comply with any subpoena issued by the Board or its designated administrative law judge.
16. A registrant ~~or certified remediation specialist~~ shall update their address, ~~and~~ phone number ~~and facsimile number~~ of record with the Board within 30 days of the date of any change.

B. No change

R4-30-301.01. Home Inspector Rules of Professional Conduct

A. To the extent applicable, a certified home inspector shall conduct a home inspection in accordance with the "Standards of Professional Practice" adopted by the Arizona Chapter of the American Society of Home Inspectors, Inc. on January 1, 2002, the provisions of which are incorporated by reference and on file with the Office of the Secretary of State. This rule does not include any later amendments or editions of the incorporated matter. Copies of these standards are available at the office of the Board of Technical Registration.

B. A Certified Home Inspector shall not:

1. Pay or receive, directly or indirectly, in full or in part, a commission or compensation as a referral or finder's fee;
2. Perform, or offer to perform, for an additional fee, any repairs to a structure that has been inspected by that inspector or the inspector's firm for a period of twenty-four months following the inspection; or
3. Be accompanied by more than four home inspector candidates while conducting any parallel home inspection.

R4-30-302. Electrical engineering Plans

A. No change

B. No change

R4-30-303. Securing Seals

A. Each registrant shall secure ~~and use~~ an ink seal 1 and 1/2 inches in diameter. ~~and identical in style, size, and appearance to the sample shown in Appendix F.~~ The upper portion of the annular space between the second and third circles shall bear whichever of the following phrases is applicable to the registrant:

1. No change
2. No change

B. The registrant may order the ink seal through any vendor and shall pay the cost of its manufacture. Immediately upon receipt of the seal and prior to using the seal for any purpose, the registrant shall file with the Board, for its records, on a form provided by the Board, ~~an affidavit~~ a declaration regarding the use of the seal. The Board, within ~~ten~~ 10 working days of receipt of the form from the registrant, shall disapprove any seal not meeting the exact specifications prior to sealing any work. Engineers registered in more than one branch shall secure and use a seal for each branch of engineering in which registration has been granted. ~~No additional or replacement seal shall be ordered or obtained by a registrant without first providing the Board, for its records, a sworn statement attesting to the need and purpose. No additional replacement seal shall be obtained without following the procedures set forth in this subsection for securing seals.~~

R4-30-304. Use of Seals

A. No change

B. No change

C. No change

D. No change

E. No change

F. No change

G. An electronic signature, as an option to a permanently legible signature, in accordance with A.R.S. Title 41 and Title 44, is acceptable for all professional documents. It is the registrant's responsibility to provide adequate security regarding the use of the seal and signature.

Arizona Administrative Register
Notices of Proposed Rulemaking

APPENDIX A. ~~Professional Application – Long Form~~ Repealed



State of Arizona
BOARD OF TECHNICAL REGISTRATION

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS
1951 W. CAMELBACK ROAD, SUITE 250 • PHOENIX, ARIZONA 85015 • (602) 255-4053

APPLICATION FEE \$90.00

Application for Registration to Practice

1. GENERAL INFORMATION

Date Filed _____, 19____

Name in Full _____

Residence Address _____

City _____ State _____

Zip Code _____ Telephone () _____

Business Address _____

City _____ State _____

Zip Code _____ Telephone () _____

Present Position _____

Date of Birth _____ Citizenship _____

Social Security Number (Voluntary
(To Facilitate Accuracy of Records)

Legal Resident of what state or country _____

In what profession are you applying for registration: Architecture, Assaying, Engineering, Geology,
Landscape Architecture or Land Surveying? _____

If Engineering, proficiency in (Branch)? _____

Insert unmounted recognizable
photograph in this space with
face not less than 3/4" wide.
Affix signature at bottom of photo-
graph.

**Fill Out
This
Form on
Typewriter
Only**

(Separate applications are required if registration
is desired in more than one profession or more
than one branch of engineering.)

2. REGISTRATION

If any answer to any of the following questions is "yes" attach a detailed explanatory statement

1. Have you ever been refused registration in any state or other jurisdiction? Yes _____ No _____
2. Has your registration ever been suspended or revoked in any state or other jurisdiction? Yes _____ No _____
3. Have you ever been the subject of professional disciplinary action, or do you now have such action pending against you in any state or other jurisdiction? Yes _____ No _____
4. Have you ever been known by a name other than the one shown on this application?
Yes _____ No _____ If yes, please state that name: _____
5. Have you ever been convicted of a misdemeanor other than a minor traffic violation?
Yes _____ No _____
6. Have you ever been convicted of a felony or a crime of moral turpitude?
Yes _____ No _____
7. If you answered yes to question 6, have your civil rights been restored?
Yes _____ No _____ Non-applicable _____

NOTE: THE ORIGINAL AND A COPY MUST BE SUBMITTED.

Arizona Administrative Register
Notices of Proposed Rulemaking

3. PREVIOUS REGISTRATIONS

List all prior registrations

IN-TRAINING REGISTRATION:

Profession _____ Cert. No. _____ State _____ Yr. _____ Hrs. of written exam. _____

PROFESSIONAL REGISTRATION:

<u>Profession</u>	<u>State</u>	<u>Year</u> <u>Reg.</u>	<u>Reg.</u> <u>No.</u>	How registered- exam, education and experience, <u>reciprocity, etc.</u>	<u>Hr. of</u> <u>written</u> <u>exam</u>	<u>Active/</u> <u>Lapsed</u>
-------------------	--------------	----------------------------	---------------------------	---	--	---------------------------------

Have you ever applied for or had registration refused in any state or other jurisdiction? Yes _____ No _____
 If so, what state _____ and year _____ Explain (attach additional details if necessary):

4. PENDING APPLICATIONS

Do you have an application for registration pending in any state or other jurisdiction: Yes _____ No _____
 What state/jurisdiction: _____
 If yes, profession? _____ In-training? _____ Professional? _____
 Hours of written examination taken? _____ Results? _____
 Current status of application? _____

5. NATIONAL CERTIFICATES OF QUALIFICATION

Do you hold a certificate of qualification in your field of application issued by a national bureau of registration or certification?
 Yes _____ No _____
 If yes, provide the following information:

Name & Address of Issuing Organization	Type of Certificate	Date of Issue	Status (Active/Lapsed)

6. EDUCATION

ALL EDUCATION MUST BE VERIFIED BY CERTIFIED TRANSCRIPTS FORWARDED DIRECTLY FROM THE OFFICE OF THE REGISTRAR OF THE COLLEGE OR UNIVERSITY ATTENDED. State in chronological order the name and location of each college, university, or technical school attended, the time spent at each and if a graduate, the year of graduation. (If not an Engineering or Architectural graduate, outline nature and extent of studies.)

Name and Location of Institution	Years From - To	Date Graduated	Technical Course	Degree Received
Architectural, Assaying, Engineering, Geological, Landscape Architectural or Land Surveying Education.				
College or University Work other than Architectural, Assaying, Engineering, Geological, Landscape Architectural or Land Surveying education.				

Arizona Administrative Register
Notices of Proposed Rulemaking

7. QUALIFYING EXPERIENCE

All experience must be verified by the candidate's current and former employers on Certificates of Experience provided them by the Board. ONLY EXPERIENCE GAINED UNDER THE DIRECT SUPERVISION OF A REGISTRANT MAY BE USED TO QUALIFY FOR EXAMINATION OR REGISTRATION.

LIST EXPERIENCE BELOW STARTING WITH YOUR CURRENT EMPLOYER FIRST.

ENGAGEMENT #		
NAME AND CURRENT ADDRESS OF EMPLOYER		
DATES OF EMPLOYMENT		YOUR JOB TITLE
FROM	TO	YOUR SUPERVISOR'S NAME
AVERAGE # HOURS WORKED PER WEEK		YOUR SUPERVISOR'S TITLE
ENGAGEMENT #		
NAME AND CURRENT ADDRESS OF EMPLOYER		
DATES OF EMPLOYMENT		YOUR JOB TITLE
FROM	TO	YOUR SUPERVISOR'S NAME
AVERAGE # HOURS WORKED PER WEEK		YOUR SUPERVISOR'S TITLE
ENGAGEMENT #		
NAME AND CURRENT ADDRESS OF EMPLOYER		
DATES OF EMPLOYMENT		YOUR JOB TITLE
FROM	TO	YOUR SUPERVISOR'S NAME
AVERAGE # HOURS WORKED PER WEEK		YOUR SUPERVISOR'S TITLE
ENGAGEMENT #		
NAME AND CURRENT ADDRESS OF EMPLOYER		
DATES OF EMPLOYMENT		YOUR JOB TITLE
FROM	TO	YOUR SUPERVISOR'S NAME
AVERAGE # HOURS WORKED PER WEEK		YOUR SUPERVISOR'S TITLE

Arizona Administrative Register
Notices of Proposed Rulemaking

ENGAGEMENT #		
NAME AND CURRENT ADDRESS OF EMPLOYER		
DATES OF EMPLOYMENT		YOUR JOB TITLE
FROM	TO	YOUR SUPERVISOR'S NAME
AVERAGE # HOURS WORKED PER WEEK		YOUR SUPERVISOR'S TITLE

8. REFERENCES

If you are unable to provide the names and addresses of supervisors for at least three engagements, provide an explanation in the space below and list the names and addresses of three additional references, unrelated to you, at least two of whom shall be registered in the profession in which registration is sought. Do not provide personal references if you can provide the names and addresses of supervisors for at least three engagements.

NAME	ADDRESS	ZIP CODE	POSITION

EXPLANATION (IF UNABLE TO PROVIDE THREE SUPERVISORY REFERENCES):

9. AFFIDAVIT

I CERTIFY THE INFORMATION CONTAINED IN THIS APPLICATION TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

STATE OF _____
 County of _____

_____ being first duly sworn, deposes and says: I am the Applicant named in this application, have read and understand the contents thereof, and to the best of my knowledge and belief, the foregoing statements are true and correct in every respect.

I hereby authorize any individual, company or institution with whom I have been associated to furnish the Arizona State Board of Technical Registration with any information concerning my qualifications for professional registration in Arizona which they have on record or otherwise, and do hereby release the individual, company or institution and all individuals therewith from all liability for any damage whatsoever incurred by me as a result of their furnishing such information.

 (Signature of Applicant)

Subscribed and sworn to before me this ____ day of _____, 19____.

 (Signature of Notary Public)

NOTARY SEAL

My Commission expires _____

NO PROCESSING OF THIS APPLICATION SHALL BEGIN UNTIL ALL VERIFYING INFORMATION IS RECEIVED BY THE BOARD.

NOTICE

MAKING A FALSE SWORN STATEMENT IS A FELONY PUNISHABLE BY FINE OR IMPRISONMENT. A.R.S. § 13-2702; 13-2703

Arizona Administrative Register
Notices of Proposed Rulemaking

APPENDIX B. ~~Certificate of Experience Record and Reference Form~~ Repealed



**State of Arizona
 BOARD OF TECHNICAL REGISTRATION**

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS
 1951 W. CAMELBACK ROAD, SUITE 250 • PHOENIX, ARIZONA 85015 • (602) 255-4053

APPLICANT NAME _____ **APPLICATION ID #** _____ **DISCIPLINE** _____

CERTIFICATE OF EXPERIENCE RECORD AND REFERENCE FORM
 Section A (to be completed by applicant)

ENGAGEMENT #	DATES	FROM	TO	FULL-TIME	PART-TIME
--------------	-------	------	----	-----------	-----------

Name of Organization: _____ Telephone number/extension _____

Address: _____ Name of supervisor/Reference _____

Your Job Title _____ Supervisor/Reference's Job Title _____

If the name given above is other than an immediate supervisor, you must indicate below the professional relationship of the person you have chosen for this engagement.

_____ Co-worker _____ Client _____ Other _____

DETAILED SUMMARY OF QUALIFYING EXPERIENCE

Note - The detailed summary should include a description of the projects on which you worked when you were in responsible charge and a breakdown of the time spent on the subprofessional and professional duties. Use a second page if necessary to adequately detail your experience.

DATES OF EMPLOYMENT GIVE MONTH AND YEAR Describe work by project type and accurate outline of what you did.		TIME IN MONTHS				
		Total Time	A Subprofessional Work	B Professional Work	C Responsible Charge	D Design
FROM	TO	TOTAL	A	B	C	D

Approximate number of hours worked weekly: _____

(Professional Engineer or Engineer-in-training candidates only) Please indicate experience in which engineering proficiency (branch). _____

WORK DESCRIPTION _____

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENT AND SUPPORTING ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

 APPLICANT'S SIGNATURE

 DATE

Arizona Administrative Register
Notices of Proposed Rulemaking

APPLICANT NAME _____ APPLICATION ID # _____ DISCIPLINE _____

Section B (to be Completed by Supervisor/Reference)

TO THE SUPERVISOR: The Board will rely on your answers to the following questions in determining whether or not this candidate should be issued a certificate to practice as a professional in Arizona. Please recognize the importance of this information and give due care to your responses. Use additional pages, if required.

TO THE REFERENCE: Please evaluate the qualifications of this applicant in the light of professional requirements. Please understand that, while an examination may determine an applicant's technical ability to do the standard task, it does not determine honesty, integrity, dependability, resourcefulness, judgment, ability to take responsible charge and other qualities and traits of character necessary in a competent and ethical professional. These characteristics show up in practice and are known only to the applicant's acquaintances and associates. Thank you for your help.

YOUR NAME _____ ADDRESS _____

TELEPHONENUMBER () _____

Your job title at the time you supervised/knew the applicant: _____

Your current job title: _____

Have you personally supervised and examined the applicant's work? Yes _____ No _____

Does the information presented by the applicant accurately reflect his/her experience?

Yes _____ No _____ Don't know _____ If "No" or "Don't Know", please explain on a separate sheet.

Give the last date you observed the applicant performing professional duties either directly or indirectly.

Date: _____ Directly _____ Indirectly _____

How long have you known this applicant? _____

Is the applicant related to you by blood or marriage? Yes _____ No _____

From your personal knowledge, your appraisal of the applicant would be:

RATING FACTORS	Excellent	Very Good	Adequate	Below Par	Poor	Don't Know
Quality of Work						
Technical Knowledge						
Professional Attitude						
Professional Judgment						
Character & Reputation						

Remarks:

Do you believe the applicant is qualified for registration? Yes _____ No _____ Don't Know _____

If you marked "No" or "Don't Know" please explain on a separate sheet.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS AND SUPPORTING STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SUPERVISOR/REFERENCE SIGNATURE _____ DATE _____

Professional Registration _____ Registration # _____ State _____

Date of Registration _____ Is your registration current? Yes _____ No _____

Place imprint of seal to right---

NOTE: THIS FORM WILL NOT BE CONSIDERED UNLESS SEALED IF THE SUPERVISOR/REFERENCE IS A REGISTERED PROFESSIONAL.

Arizona Administrative Register
Notices of Proposed Rulemaking

APPENDIX C. ~~Professional Application - Short Form~~ Repealed



State of Arizona
BOARD OF TECHNICAL REGISTRATION

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS
1951 W. CAMELBACK ROAD, SUITE 250 • PHOENIX, ARIZONA 85015 • (602) 255-4053

APPLICATION FEE \$90.00

Application for Registration to Practice

1. GENERAL INFORMATION

Date Filed _____, 19__

Name in Full _____

Residence Address _____

City _____ State _____

Zip Code _____ Telephone () _____

Business Address _____

City _____ State _____

Zip Code _____ Telephone () _____

Present Position _____

Date of Birth _____ Citizenship _____

Social Security Number (Voluntary _____
(To Facilitate Accuracy of Records)

Legal Resident of what state or country _____

In what profession are you applying for registration: Architecture, Assaying, Engineering, Geology,
Landscape Architecture or Land Surveying? _____

If Engineering, proficiency in (Branch)? _____

Insert unmounted recognizable photograph in this space with face not less than 3/4" wide. Affix signature at bottom of photograph.

Fill Out
This
Form on
Typewriter
Only

(Separate applications are required if registration is desired in more than one profession or more than one branch of engineering.)

2. REGISTRATION

If any answer to any of the following questions is "yes" attach a detailed explanatory statement.

1. Have you ever been refused registration in any state or other jurisdiction? Yes _____ No _____
2. Has your registration ever been suspended or revoked in any state or other jurisdiction? Yes _____ No _____
3. Have you ever been the subject of professional disciplinary action, or do you now have such action pending against you in any state or other jurisdiction? Yes _____ No _____
4. Have you ever been known by a name other than the one shown on this application?
Yes _____ No _____ If yes, please state that name: _____
5. Have you ever been convicted of a misdemeanor other than a minor traffic violation?
Yes _____ No _____
6. Have you ever been convicted of a felony or a crime of moral turpitude?
Yes _____ No _____
7. If you answered yes to question 6, have your civil rights been restored?
Yes _____ No _____ Non-applicable _____

NOTE: THE ORIGINAL AND A COPY MUST BE SUBMITTED.

Arizona Administrative Register
Notices of Proposed Rulemaking

3. PREVIOUS REGISTRATIONS

List all prior registrations

IN-TRAINING REGISTRATION:

Profession _____ Cert. No. _____ State _____ Yr. _____ Hrs. of written exam. _____

PROFESSIONAL REGISTRATION:

<u>Profession</u>	<u>State</u>	<u>Year Reg.</u>	<u>Reg. No.</u>	<u>How registered-exam, education and experience, reciprocity, etc.</u>	<u>Hr. of written exam</u>	<u>Active/Lapsed</u>
-------------------	--------------	------------------	-----------------	---	----------------------------	----------------------

4. NATIONAL CERTIFICATES OF QUALIFICATION

Do you hold a certificate of qualification in your field of application issued by a national bureau of registration or certification?

Yes _____ No _____

If yes, provide the following information:

Name & Address of Issuing Organization	Type of Certificate	Date of Issue	Status (Active/Lapsed)

5. AFFIDAVIT

I CERTIFY THE INFORMATION CONTAINED IN THIS APPLICATION TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

STATE OF _____

County of _____

being first duly sworn, deposes and says: I am the Applicant named in this application, have read and understand the contents thereof, and to the best of my knowledge and belief, the foregoing statements are true and correct in every respect.

I hereby authorize any individual, company or institution with whom I have been associated to furnish the Arizona State Board of Technical Registration with any information concerning my qualifications for professional registration in Arizona which they have on record or otherwise, and do hereby release the individual, company or institution and all individuals therewith from all liability for any damage whatsoever incurred by me as a result of their furnishing such information.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19_____.

(Signature of Notary Public)

NOTARY
SEAL

My Commission expires _____

NO PROCESSING OF THIS APPLICATION SHALL BEGIN UNTIL ALL VERIFYING INFORMATION IS RECEIVED BY THE BOARD.

NOTICE

MAKING A FALSE SWORN STATEMENT IS A FELONY PUNISHABLE BY FINE OR IMPRISONMENT. A.R.S. § 13-2702; 13-2703

Arizona Administrative Register
Notices of Proposed Rulemaking

APPENDIX D. ~~In-Training Application~~ Repealed



State of Arizona
BOARD OF TECHNICAL REGISTRATION

FOR ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, LANDSCAPE ARCHITECTS AND LAND SURVEYORS
1951 W. CAMELBACK ROAD, SUITE 250 • PHOENIX, ARIZONA 85015 • (602) 255-4053

APPLICATION FOR THE
IN-TRAINING PROGRAM

Architect-in-training _____ Engineer-in-training _____ Landscape Architect-in-training _____
Assayer-in-training _____ Geologist-in-training _____ Land Surveyor-in-training _____

PLEASE USE TYPEWRITER ONLY

DATE FILED _____

Application Fee \$30

1. GENERAL INFORMATION

Name of Candidate _____
Current Mailing Address _____ Telephone No. (____) _____
Zip Code _____
Permanent Home Address _____ Zip Code _____
Date of Birth _____ Citizenship _____
Are you a current resident of Arizona? _____

If any answer to the following questions is "yes", attach a detailed explanatory statement.

1. Have you ever been known by a name other than the one shown on this application?
Yes _____ No _____ If yes, please state that name: _____
2. Have you ever been convicted of a misdemeanor other than a minor traffic violation?
Yes _____ No _____
3. Have you ever been convicted of a felony or a crime of moral turpitude?
Yes _____ No _____
4. If you answered yes to question 3, have your civil rights been restored?
Yes _____ No _____ Non-applicable _____

2. EDUCATION

ALL EDUCATION MUST BE VERIFIED BY CERTIFIED TRANSCRIPTS FORWARDED DIRECTLY FROM THE OFFICE OF THE REGISTRAR OF THE COLLEGE OR UNIVERSITY ATTENDED PRIOR TO GRANTING OF IN-TRAINING CERTIFICATION. TRANSCRIPTS OF NON-DEGREE APPLICANTS, OTHER THAN SENIORS, CLAIMING ANY EDUCATIONAL CREDIT MUST BE FORWARDED AND RECEIVED PRIOR TO ADMISSION TO EXAMINATION. SENIORS SHOULD NOT HAVE TRANSCRIPTS FORWARDED UNTIL DEGREE HAS BEEN AWARDED.

	DEGREE	DATE	UNIVERSITY	DEPT. OF SCHOOL
First Professional				
Second Professional				
Other				

3. EDUCATION ENDORSEMENT

Must be verified by Dean or Faculty Advisor

I, _____, hereby certify that the education information regarding this applicant and noted in No. 2
(Type Name)

above is true and correct to the best of my knowledge.

Signature _____ Title (please type) _____

NOTE: GRADUATES MAY HAVE TRANSCRIPTS FORWARDED IN LIEU OF ENDORSEMENT; HOWEVER, TRANSCRIPTS MUST BE FORWARDED AND RECEIVED PRIOR TO ADMISSION TO EXAMINATION.

(CONTINUED ON BACK)

Arizona Administrative Register
Notices of Proposed Rulemaking

4. EXPERIENCE RELATED TO THE FIELD OF APPLICATION

ALL EXPERIENCE MUST BE VERIFIED BY THE CANDIDATE'S CURRENT OR FORMER EMPLOYERS ON CERTIFICATES OF EXPERIENCE RECORD AND REFERENCE FORMS PROVIDED THEM BY THE BOARD.

<p style="text-align: center;">Current</p> Name and address of employer _____	Work Description
Date of Employment From _____ to _____	
Place of employment _____	
Job Title _____	
Supervisor _____	Title
Name and address of employer _____	Work Description
Date of Employment From _____ to _____	
Place of employment _____	
Job Title _____	
Supervisor _____	Title
Name and address of employer _____	Work Description
Date of Employment From _____ to _____	
Place of employment _____	
Job Title _____	
Supervisor _____	Title

5. EMPLOYMENT ENDORSEMENT

I, _____ hereby certify that this applicant is currently in my employ and that the information (print name) noted above regarding his current employment is true and correct.

Signed _____ Title _____

Address _____

6. EXAMINATION

If this application is accepted, unless otherwise notified, I will take the examination at () Phoenix () Tucson () Flagstaff (Check one)

7. AFFIDAVIT

I CERTIFY THE INFORMATION CONTAINED IN THIS APPLICATION TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

STATE OF ARIZONA
County of _____ SS.

_____ being first duly sworn, deposes and says: I am the Applicant named in this application; I have read and know the contents thereof, and the same is true and correct in substance and effect.

(Signature of Candidate)

scribed and sworn to before me this _____ day of _____, 19_____.

My Commission expires _____ (Notary Public)

NO PROCESSING OF THIS APPLICATION SHALL BEGIN UNTIL ALL VERIFYING INFORMATION IS RECEIVED BY THE BOARD.

NOTICE

MAKING A FALSE SWORN STATEMENT IS A FELONY PUNISHABLE BY FINE OR IMPRISONMENT. A.R.S. § 13-2702; 13-2703

Arizona Administrative Register
Notices of Proposed Rulemaking

APPENDIX E. ~~NCARB 1989-1990 Circular of Information No. 1 Repealed~~

Editor's Note: The full text of this circular was filed with the Secretary of State. Because of the length of the material, only Appendices A and B are reprinted here.

APPENDIX "A" To Circular of Information No. 1

**EDUCATION, TRAINING AND EXAMINATION REQUIREMENTS FOR NCARB CERTIFICATION
RELEASED JULY 1989.**

THIS EDITION OF APPENDIX "A" SUPERSEDES ALL PREVIOUS TABLES OF EQUIVALENTS. INTERN-ARCHITECT DEVELOPMENT PROGRAM (IDP) APPLICANTS REFER TO APPENDIX "B" FOR THEIR TRAINING REQUIREMENTS.

1. CERTIFICATION STANDARDS

1.1 To be granted NCARB certification, an applicant must:

1.1.1 Be of good character as verified by employers, architects and NCARB member boards.

1.1.2 Hold a professional degree in architecture where the degree program has been accredited by the National Architectural Accrediting Board (NAAB) not later than two years after termination of enrollment or have satisfied NCARB's education requirements as otherwise specified in *Circular of Information No. 3*.

1.1.3 Have at least 3 years of training credits in accordance with Section 2 or have satisfied the IDP training requirements in accordance with Appendix "B".

1.1.4 Have passed the NCARB Architect Registration Examination (A.R.E.), or the NCARB Professional Examination (and the Qualifying Test or the Equivalency Examination when applicable by NCARB standards) or the NCARB 7-part, 36-hour Examination; provided such examinations and the grading procedures applied were in accordance with NCARB standards current at the time the applicant sat for the examination.

1.1.5 Hold a current registration to practice architecture issued by an NCARB member board.

1.2 Applicants meeting all certification requirements above except 1.1.2 may nonetheless be granted certification if the applicant holds a high school diploma or equivalent and either (a) was registered by NCARB member board prior to July 1, 1984, and has accumulated at least 5 education credits, or (b) had accumulated at least 5 education credits as of June 30, 1984. See *circular of Information No. 3* for explanation of education credits.

1.3 Other experience may be substituted for the certification requirements outlined above, only insofar as NCARB considers it to be equivalent to the required qualifications.

1.4 In evaluating records, NCARB may, prior to certification, require substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical certification requirements set forth above.

2. TRAINING STANDARDS

2.1 To satisfy the NCARB training standards, an applicant must have at least 3 years of training credits or have satisfied the IDP training requirements in accordance with Appendix "B". The following table sets forth the ways in which training credits can be acquired:

DESCRIPTION OF TRAINING	PERCENT CREDIT ALLOWED	MAXIMUM CREDIT ALLOWED
2.1.1 Diversified experience in architecture as an employee in the office of a registered architect.	100%	No Limit
2.1.2 Diversified experience in architecture as a principal practicing in the office of a registered architect with a verified record of substantial practice.	100%	No Limit (but see 2.4)
2.1.3 Diversified experience in architecture as an employee of an organization (other than offices of registered architects) when the experience is under the direct supervision of a registered architect.	100%	2 Years
2.1.4 Experience directly related to architecture, when under the direct supervision of a registered architect but not qualifying as diversified experience or when under the direct supervision of a professional engineer, landscape architect, planner or interior designer.	50%	1 Year
2.1.5 Experience, other than 2.1.1, 2.1.2, 2.1.3, and 2.1.4, experience directly related to onsite building construction operations or experience involving physical analyses of existing buildings.	50%	6 Months
2.1.6 A post professional degree in architecture or teaching or research in an NAAB accredited architectural program.	100%	1 Year

Arizona Administrative Register
Notices of Proposed Rulemaking

2. TRAINING STANDARDS (CONTINUED)

2.2 No training credits may be earned prior to satisfactory completion of:

- (1) three years in an NAAB accredited professional degree program, or
- (2) the third year of a four year pre-professional degree program in architecture accepted for direct entry to an NAAB accredited professional master's degree program, or
- (3) one year in an NAAB accredited professional master's degree program, or
- (4) 96 semester credit hours as evaluated by EESA in accordance with NCARB *Circular of Information No. 3* of which no more than 60 hours can be in the general education category or
- (5) five education credits in the circumstances described in 1.2.

Note: 32 semester credit hours or 48 quarter credit hours shall equal one year in an academic program.

2.3 No experience used to meet education requirements may be used to earn training credits.

2.4 After satisfying 1.1.2, every applicant must earn at least (i) one year of credit under 2.1.1 or (ii) three years of credit under 2.1.2 provided the applicant has practiced for those three years in association with another architect practicing as a principal or (iii) five years of credit under 2.1.2.

2.5 To earn credits under 2.1.1, 2.1.2, 2.1.3, 2.1.4, and 2.1.5, an applicant must work at least 35 hours per week for a minimum period of ten consecutive weeks under 2.1.1 or six consecutive months under 2.1.2, 2.1.3, 2.1.4, or 2.1.5. An applicant may earn one-half of the credits specified under 2.1.1 for work of at least 20 hours per week in periods of six or more consecutive months. No credits will be given for part-time work in any category other than 2.1.1.

2.6 To earn credit under 2.1.6, an applicant's credit hours must be in subjects evaluated by NCARB as directly related to architecture. 20 semester credit hours or 30 quarter credit hours of teaching or equivalent time in research will equal 1 year.

2.7 An organization will be considered to be "an office of a registered architect" if: (a) the architectural practice of the organization in which the applicant works is in the charge of a person practicing as a principal; and the applicant works under the direct supervision of a registered architect, and (b) the organization is not engaged in construction, and (c) the organization has no affiliate engaged in construction which has a substantial economic impact upon the person or persons in the organization practicing as a principal.

2.8 An organization (or an affiliate) is engaged in construction if it customarily engages in either of the following activities:

- (a) undertakes to provide labor and/or material for all or any significant portion of a construction project, whether on lump sum, cost plus or other basis of compensation, or
- (b) agrees to guarantee to an owner the maximum construction cost for all or any significant portion of a construction project.

2.9 A person practices as a "principal" by being (a) a registered architect and (b) the person in charge of the organization's architectural practice, either alone or with other registered architects.

2.10 A "registered architect" is a person registered to practice architecture in the jurisdiction in which (s)he practices.

2.11 The maximum credit for training as an employee of a person practicing architecture who is not an architect registered in a U.S. jurisdiction shall be one year. No credit will be granted for foreign training other than as an employee of a person practicing architecture. Provided, however, that a person with five years of foreign training under category 2.1.2 shall be deemed to have satisfied the training requirements.

2.12 In deciding if training represents "diversified experience in architecture," NCARB will compare the training with the training requirements set forth in the Intern-architect Development Program (IDP). See appendix "B" and *IDP Guidelines*.

Applicants employed in settings described in 2.1.1, 2.1.2, and 2.1.3, whose experience is not diversified, may obtain credit only under 2.1.4.

3. EXAMINATION DEFICIENCIES

3.1 Examination deficiencies shall be subject to the following conditions:

3.1.1 Prior to July, 1973, the NCARB written examination was a 7-part examination of 36 hours duration, but some NCARB member boards administered examinations of a shorter duration. Compensation for each one hour deficiency in duration in the 7-part examination may be achieved by one year of excess training credits. Excess training credits may be earned only after initial registration by accumulating training credits in excess of those required for NCARB Certification. Applicants who have earned under 2.1.2 ten or more years of excess training credits (in the manner described in the preceding sentence) and have received their initial registration by written examination, regardless of hour duration, are eligible for Certification.

3.1.2 NCARB may waive deficiencies in the applicant's examination procedure arising from the examination transitions which occurred between July 1973 and January 1, 1978, and with the implementation of the A.R.E. in 1983 if, in its judgment, such deficiencies are minor in nature or, if substantial, have been adequately compensated for by some equivalent proof of the applicant's competency.

3.1.3 The transition rules relating to the implementation of the NCARB A.R.E. will be described in Circular of Information No. 2.

3.1.4 An applicant whose registration was based in whole or in part on having passed sections of the California Architectural Licensing Examination and who has successfully completed an oral examination administered by NCARB with respect to the subject matter of those sections, shall be deemed to have received a passing grade in the corresponding divisions of the A.R.E.

Arizona Administrative Register
Notices of Proposed Rulemaking

APPENDIX "B" To Circular of Information No. 1

TRAINING REQUIREMENTS FOR INTERN-ARCHITECT DEVELOPMENT PROGRAM (IDP) APPLICANTS FOR NCARB CERTIFICATION

THIS EDITION OF APPENDIX "B" SUPERSEDES ALL PREVIOUS TABLES OF EQUIVALENTS.

IDP APPLICANT DEFINED

An IDP Applicant for NCARB Certification is a person who has completed the training requirements listed below in satisfaction of 1.1.3 of Appendix "A".

TRAINING REQUIREMENTS

An IDP applicant must acquire a total of 700 value units (VU's) to satisfy the training requirements. One VU equals 8 hours of acceptable activity. See Appendix "A" for acceptable experience descriptions. The following chart lists the IDP training categories and areas and the value unit requirements for each.

CATEGORY A. Design and Construction Documents

	Minimum VU's Required
1. Programming	10
2. Site and Environmental Analysis	10
3. Schematic Design	15
4. Building Cost Analysis	10
5. Code Research	15
6. Design Development	40
7. Construction Documents	155
8. Specifications & Materials Research	15
9. Documents Checking and Coordination	15

Minimum Total VU's Required **360***

CATEGORY B. Construction Administration

10. Bidding Procedures	10
11. Construction Phase -- Office	15
12. Construction Phase -- Observation	15

Minimum Total VU's Required **70***

CATEGORY C. Office Management

13. Office Procedures	15
14. Professional Activities	10

Minimum Total VU's Required **35***

*The differences between the minimum total VU's required in each of categories A, B and C and the sum of the minimums required for each training area within the category must be acquired by earning VU's from training areas within the same category.

CATEGORY D. RELATED ACTIVITIES

No Minimum Required **0**

The above listing of required minimums in categories A, B and C totals 465 VU's, allowing for 235 additional VU's to be acquired in any of the listed categories. All of the 235 additional VU's may be acquired in one category or distributed among the categories.

EXPLANATION OF REQUIREMENTS

Arizona Administrative Register
Notices of Proposed Rulemaking

1. VU's in Categories A, B and C may be acquired only if the applicant meets the time requirements of 2.5 of Appendix "A". VU's may be acquired in category D only if the activity is substantial and continuous.

Full VU credit is earned for acceptable full-time employment in the settings described in 2.1.4 and 2.1.5 of Appendix "A", and for acceptable part-time employment in the setting described in 2.1.1 of Appendix "A".

2. No VU's may be acquired prior to meeting the requirements of Appendix "A".

3. A post professional degree in architecture qualifies for 235 VU's under category D.

4. An IDP applicant may earn VU's by completing NCARB-approved supplementary education programs: credit to be in accordance with a table of credits established by NCARB. Supplementary education cannot be used to satisfy the minimum VU requirements in training areas 1-14. No VU's may be earned for supplementary education prior to meeting the requirements of 1.1.2 of Appendix "A" or while enrolled in a post professional degree program in architecture.

5. The VU's which may be earned under paragraphs 3 and 4 may not exceed in the aggregate 235 VU's.

6. To satisfy categories A and B of the training requirements, VU's (including VU's earned from supplementary education) in those categories must be acquired when employed in the settings described in 2.1.1 or 2.1.3 of Appendix "A".

7. A minimum of 235 VU's must be acquired in the setting described in 2.1.1 of Appendix "A" after having satisfied 1.1.2.

8. In evaluating training, NCARB may, prior to certification, require substantiation of the quality and character of the training notwithstanding the fact that the IDP applicant has complied with the technical training requirements set forth above.

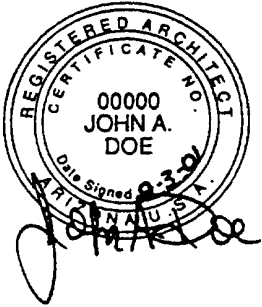
9. For detailed descriptions of the IDP training categories and supplementary education requirements, see *IDP Guidelines*.

Arizona Administrative Register
Notices of Proposed Rulemaking

APPENDIX F. ~~Securing Seal—Sample Repealed~~

SAMPLE State of Insert Proper } ss. AFFIDAVIT
County of State/County }

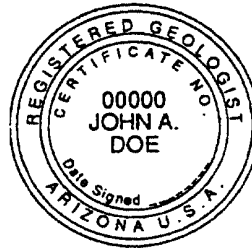
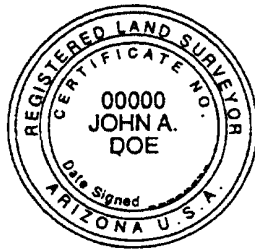
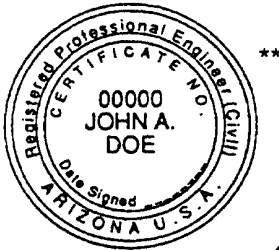
John A. Doe, being first duly sworn upon his oath, deposes and says:
That he is the holder of certificate of registration No. 00000 issued by the Arizona Board of Technical Registration. That he is familiar with and understands the laws of the State of Arizona and rules and regulations of the Arizona State Board of Technical Registration with reference to the use of his seal. That the accompanying imprint of seal and superimposed signatures is the only one that he is authorized to hold and will use under the above numbered certificate of registration.

 Signature John A. Doe
Subscribed and sworn to before me this 3rd day of September, 19 91
My commission expires August 1, 1992 J. H. Volney
NOTARY PUBLIC

DO NOT FOLD, STAPLE OR MUTILATE

SAMPLES:

Sign your name across lower portion of the seal. Do not cover your name or registration number with your signature.



** ENGINEERS MUST LIST DISCIPLINE — Civil, Aeronautical, Chemical, Electrical, Geological, Geophysical, Industrial, Mechanical, Metallurgical, Mining, Nuclear, Petroleum, Sanitary, or Structural.