

Arizona Registrar of Contractors Complaint

May 2020

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Licensed Complaint Form

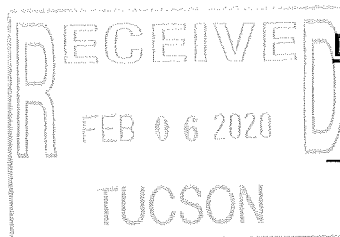
For Current or Suspended Licensees

Mail to:

Registrar of Contractors

P.O. Box 18243

Phoenix, AZ 85005-8243



Departmental Use Only

Complaint Number:

2020-00747

Person Filing Complaint			
Full Name (First Middle Last) Fountain Park Homeowner's Association		Business Name (if a licensed contractor or supplier)	
Mailing Address (Enter jobsite in Contract/Project section) 7301 E. 22nd St.		City Tucson	State AZ
Phone Number 520-298-2146		Zip 85710	
Email carol.pinehurst@gmail.com			
I consent to receive communications electronically in connection with this case <input checked="" type="radio"/> Yes <input type="radio"/> No			
Name of Attorney (if any)			
Street Address of Attorney		City	State
Phone Number of Attorney		Zip	
Email of Attorney			
Contractor Information			
Name (as shown on contract/invoice) Imperial Pools and Design LLC		ROC License Number(s) KA6 #316814	
Street Address 3805 W. River Rd. #105		City Tucson	State AZ
Phone Number 520-884-7665		Zip 85741	
Email info@tucsonpoolbuilding.com			
Name of Person(s) Representing License Patrick R Crone			
Contract/Project Information			
Contract Date 12/28/2018		Contract Amount \$128,137.50	
Amount Paid \$128,137.50			
Date Work Started March 2019		Date Work Stopped September 2019	
Date Work Was Completed			
Close of Escrow (New Home)		Move-In Date (New-Home)	
Jobsite Street Address 2121 N Evelyn Ave		City Tucson	State AZ
Zip 85715			
Name of Construction Site Owner Fountain Park Homeowner's Association		Construction Site Name (if applicable) Fountain Park Community Pool	
Phone Number of Construction Site Owner 520-298-2146		Email of Construction Site Owner carol.pinehurst@gmail.com (Pinehurst Properties Inc., management Co.)	
This complaint is for		<input type="radio"/> Abandonment <input checked="" type="radio"/> Poor Work <input type="radio"/> Other _____	
I have contacted the contractor by		<input checked="" type="radio"/> Phone <input checked="" type="radio"/> Email <input checked="" type="radio"/> Letter <input type="radio"/> N/A	
Have you filed a complaint in court?		<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A If yes, provide a copy of civil complaint	
Has any work been corrected?		<input type="radio"/> Yes <input checked="" type="radio"/> No If yes, by whom? _____	
The contract was		<input checked="" type="radio"/> Written <input type="radio"/> Oral <input type="radio"/> Both	
All change orders were		<input checked="" type="radio"/> Written <input type="radio"/> Oral <input type="radio"/> Both <input type="radio"/> N/A	
This project was		<input checked="" type="radio"/> Commercial <input type="radio"/> Residential <input type="radio"/> On Tribal Land	
This project involved		<input type="radio"/> New Home <input checked="" type="radio"/> Remodel <input type="radio"/> Repair <input type="radio"/> Other _____	
A building permit was obtained by		<input checked="" type="radio"/> Contractor <input type="radio"/> Property Owner <input type="radio"/> Building permit # T19BU00078	

Licensed Complaint Form

For Current or Suspended Licensees



Contract/Project Information Continued

List and briefly describe each complaint item (Please do not write "see attached" or use additional pages unless necessary to further describe issues or list more complaint items) (limited to 100 characters per line)

1. Contractor was paid \$8803 to move skimmers; work not performed; resulted in uneven skimmer suction
2. Contractor was paid in full (total in item 8) to widen drain channels to 3"; not done.
3. Contractor was to replace channel drain covers; not done; old ones are warping and lifting
4. Contractor was paid \$10,800 to install new returns in pool bottom; not done; original returns remain
5. Contractor convinced previous Board of need for second filter system
6. Contractor was paid \$3337 for a Pulsar Feeder sanitation system; not done
7. Sanitation system installed: a slurry tank, Stenner pumps to feed EZPool, Revive not in contract
8. Contractor was paid \$29,924 for new pool deck surface among other items (see #3 above)
9. Pool deck surface cracked shortly after completion and before final walkthrough
10. Required electric sub-panel installation was not up to code and not on approved drawings
11. Tucson City rejected installation of sub-panel more than once before finally passing inspection
12. Contractor initially told previous Board that permits were not needed to do renovation
13. Concerned homeowners contacted City; work was stopped until City and County permits obtained
14. Stop work order resulted in higher costs initially and delays
15. Contractor was paid final \$4000 with request to correct specific items; corrections not done
- 16.
- 17.
- 18.
- 19.
- 20.

Signature

I declare under penalty of perjury that the information and documents contained on this Complaint Form, included with this complaint, or hereafter submitted in support of this complaint are true and accurate to the best of my knowledge. I will assist in the investigation or in the prosecution of the contractor or other parties, and will, if necessary, attend hearings and testify to facts.

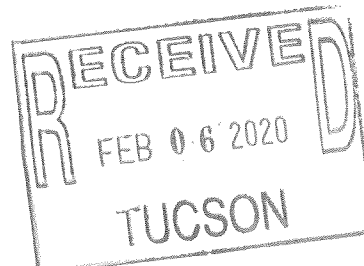
Printed Name
Alicia I Navia

Signature

Alicia I Navia

Date
2/1/2020

RCC099 12/05/18



ADDENDUM TO LICENSED COMPLAINT FORM

Filed by Fountain Park Homeowners Association

b)

- i) Contractor only provided the association with the agreement dated 12/28/2018, included.
- ii) Contractor provided the included invoice/agreement listing items to be installed and labor costs. Contractor credited to balance, previously invoiced work, which was not completed at the time of the agreement dated 12/28/2018.
- iii) A description of the work to be performed and equipment to be installed is in the included the agreement: excavation and demolition; plumbing and installation of 5 new skimmers, 4 in floor pool returns; installation of steel #4 rebar; electric installation of 2 new pool lights; Shotcrete structure; standard waterline tiles (tiles installed then demolished, within weeks of each other); artistic coping; scarify existing deck and pour new concrete in trenches: Hardscapes; Intelliflo installation and re-install existing equipment and new TR 140 with Activate; installation of new Raypack Commercial grade heater; installation of new EZ Pool with Pulsar, 2 35 gal Pulsar Feeder, controlled by timer with Stenner Pumps, 120 VAC time clock; 2 Hayward 5G LED lights with transformer; bring existing wall and gate spring lock mechanism to code (0\$); addition of Stonescapes to pool interior; clean up; start up kit and first 60 days of pool service.

Change order #1 (2/14/2019): cost of City of Tucson and Pima County permits and drafting and engineering fees

Change order #2 (4/19/2019): amended City of Tucson and Pima County permit charges (overcharged in change order #1) and revision of drafting and engineering fees, plus credit for staples and acid wash work which was not performed, 11/2018.

iv) Beau Alexander, FPHOA President, 2018 – July 2019

v) 1/11/2019 – first payment \$38,441.25

1/14/2019 – second \$38,441.25

(first and second payments were combined into one, \$76, 882.50)

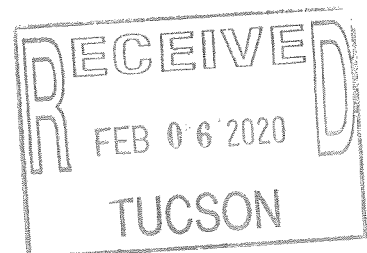
2/4/2019 – third \$34, 441.25 (revised to \$22,259.25 per change order #2)

2/20/2019 – fourth \$12,813.75

3/1/2019 – final \$ 4,000.00

vi) Imperial Pools received all payments

vii) Work was to be completed by March 1, 2019

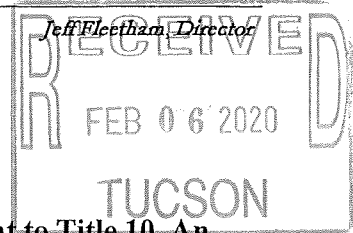




ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor



ASSOCIATION FORM

An Arizona Corporation

Consent in Lieu of Special Meeting of the Board of Directors Pursuant to Title 10, An

Arizona Revised Statute, We, the undersigned, being all of the Directors of:

FOUNTAIN PARK HOMEOWNERS

ASSOCIATION, an Arizona NON-PROFIT Name of corporation corporation, acting pursuant to Title 10, Arizona Revised Statutes Title, do hereby consent to the adoption of and do hereby adopt the following resolution and declare it to be in full force and effect as if it had been adopted at a regularly scheduled meeting of the Board of Directors of the Corporation:

RESOLVED THAT ALICIA I NAVIA be and is hereby appointed to represent the FOUNTAIN PARK HOMEOWNERS Association in any and all proceedings Before the Arizona Registrar of Contractors concerning claims by the Association against:

IMPERIAL POOL & DESIGN and and/or
(Contractor) (Subcontractor)

 and in connection therewith to execute and file petitions and other documents, to appear at hearings and other proceedings and to take such other action as he/she deems necessary and proper.

DATED this 06 day of FEBRUARY, 2020

DIRECTORS:

Alicia I Navia

Kate Avery
(Signature)

Mina Reeder
(Signature)

Melvin M. Kneelock
(Signature)

Note: If individual is appointed or designated at a regular board meeting, a certified copy of the minutes will take the place of this resolution.

original contract.

IMPERIAL

pools & design

Custom Pool Design

3805 W. River Rd.
Tucson, AZ 85741
520.884.7665

For : Fountain Park HOA
2121 N Evelyn
Tucson, AZ 85749

ROC: KA6 #316814

Info @ tucsonpoolbuilding.com

12/28/2018



Proposal Created by: Steve Rosales - Design Consultant - 520.490.1604

Pool: 190' Perimeter - 1,600' Surface Area - 2,600' Interior Area - Gallons - 3'-5'

Description	Amount
Plans: Drafting, and Engineering-Health Department permitting not included By Addendum-	\$1,500.00
Excavation/Demo: Remove wall for access- Cut off cantilever edge- Cut around 5 skimmers- Cut 168' cutting concrete for proposed plumbing and new electrical conduit- Demo waterline tile- Demo top step	\$8,803.00
Hard Dig Policy additional \$250 per hour for hammer dig	\$0.00
Plumbing: Install 5 new skimmers- Tie in existing "trunk line"- Install 4 in floor pool returns- Extend existing pool returns and valine and tie in to existing system- Install A&A VGBA Pebble Top Channel Drain-Caretaker return fittings-	\$10,800.00
Steel #4 Rebar 8" O.C. Including drilling and pinning with epoxy	\$21,900.00
? Electric: Install 2 pool lights with 1" Conduit- <u>Install bonding loop for new pool to equipment</u>	\$2,150.00
Shotcrete: 4000 PSI shotcrete structure with lifetime warranty - step entry per plan raised beam per plan-	\$19,921.00
Tile Standard waterline tile- 12 non skid deck markers- Waterline depth markers	\$2,910.00
Tile Standard waterline tile- 12 non skid deck markers- Waterline depth markers	REWORK OF TILE \$2,910.00
Artistic Coping 4" x 12"	\$6,065.00
* Hardscapes: Scarify existing deck- Pour new concrete in trenches- <u>Crack repair as need-Install new acrylic lace color TBD-3" Super drain 93'</u>	\$29,924.00
Equipment: Intelliflo and re-install existing equipment	\$4,218.09

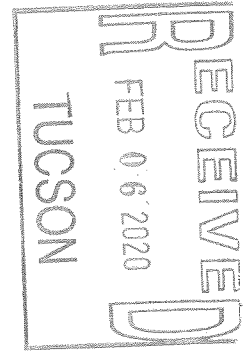
COPY

Equipment: Install New TR-140 With ACTIVATE-			\$1,999.36
Equipment: Raypack Commercial Grade heater ASME			\$4,875.56
EZ Pool With Pulsar, (2) 35 Gallon Pulsar Feeder, 115V Controlled by Timer Stenner Pump, 120 VAC time clock			\$3,336.89
(2) Hayward 5G LED Lights with 300 watt transformer		RENTAL \$632. Hayward \$410.	\$1,950.00
Barriers and Enclosures: Existing wall to code, add spring to gate, adjustments by addendum ?			\$0.00
Masonry:			
Clean Up/Repair access area, complete cleanup of construction debris			\$1,000.00
For interior Stonescapes interior (Standard colors) - Includes diamond accent tile on steps and benches (continuous tile at additional cost) - Limited 10 year warranty - Complete startup with kit and pool service for the first 60 days.			\$23,922.00
Credits To Balance for previously contracted work not closed out			-\$26,802.34
CK23 CK21 CK26 / 7876.42 (CHECK AMOUNTS APPLIED: \$2,412, \$4,781.97 \$20,108.37) 10/8/18 8/20/18 12/13/18 12/21/18			
TILE HAS TWO LINES AS WE HAVE TO PERFORM TASK TWICE WHILE IN CONTRA			
Total Package Price:			\$121,382.56
Sales Tax Rate			5.565%
Tax Amount:			\$6,754.94
Total Price with Tax			\$128,137.50

EZ Pool
?

how much
for each
itemize

✓



Dates below are A GUIDLINE ONLY

Payment Breakdown

COPY

Due at Agreement 1/11/19			\$38,441.25
Due at Demolition 1/14/19			\$38,441.25
Due at Shotcrete Week of 2/4/19			\$34,441.25
Due at Interior Prep 2/20/19			\$12,813.75
Due at completion 3/1/19			\$4,000.00

* Imperial Pools is not responsible for unmarked utilities, irrigation, footers, driveways, landscape, or existing walkways/pavers within 10' of pool deck area.

* Stonescapes - 10 year limited warranty

* Limited Lifetime warranty for structure

* 3-year warranty for plumbing, 4-year warranty for equipment

* 2-year warranty for deck, tile, electrical and masonry

* No Budget considered for unforeseen conditions

* No other contractors to be working in the backyard area without permission from Imperial Pools and

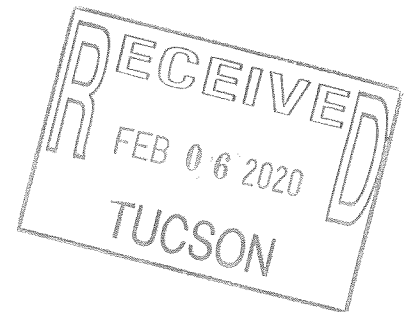
Material changes may include a \$400 restock fee if changes occur after delivery to Imperial Pools &

* All material choices to be made by addendum with client signature approval

7/06/19
unfinished.
for delays
CR \$4K.

Client: Rean Hernandez, President

Date: 01-11-19

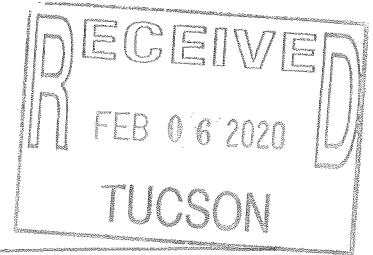


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Change order #1

IMPERIAL
pools & design

CHANGE ORDER FORM



CUSTOMER NAME: Fountain Park HOA

INVOICE NUMBER: Original contract

AMOUNT ADDED: \$12,550

DATE OF CHANGE: 2/14/2019

AUTHORIZED CHANGE TO CONTRACT WORK	QUANTITY	UNIT PRICE	AMOUNT	Act.
Pima County Health Permit	1	450.00	\$ 450.00	1369
Drafting Hours for CAD and engineering hours	12	150.00	\$ 1,800.00	1200
City of Tucson Permit (estimated cost)	1	9450.00	\$ 9,450.00	99
Amtec Engineering	1	850.00	\$ 850.00	1350
Comments:				
TOTAL:			\$ 12,550.00	

Note- City of Tucson is a estimated cost per the city engineers and Imperial Pools and Design will credit overage to progression payments. This additional engineering is out sourced and required by county or city to obtain permits. All trips and sit down time with Tucson City and Pima County is also accounted for in drafting labor hours. ALL RECEIPTS WILL BE GIVEN AS PERMITS ARE FINALED.

CUSTOMER PRINTED NAME: BEAU ALEXANDER

CUSTOMER SIGNATURE: Beau Alexander

DATE: 02-22-19

COPY

ROC: KA6 Dual #316814

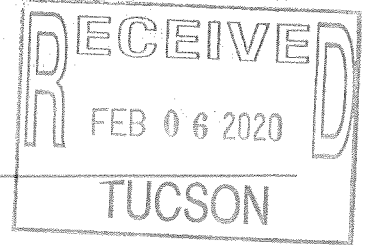
IMPERIAL
pools & design

DATE 2-22-19 APP Can
OWNER F.P. PTY# Reserve
AID 2-22-19 CK# 000030

Change order #2



CHANGE ORDER FORM



CUSTOMER NAME: Fountain Park

INVOICE NUMBER: Original Contract

AMOUNT ADDED: _____

Date Of Change 4/19/2019

AUTHORIZED CHANGE TO CONTRACT WORK	QUANTITY	UNIT PRICE	AMOUNT
Tucson City and Pima County Health	1	1468.00	\$ 1,468.00
Amtech Engineering/ Imperial Hydraulic engineering	1	1200.00	\$ 1,200.00
Imperial Drafting flat fee	1	1350.00	\$ 1,350.00
Credit for payment of permits and fees pd 2-22-19	1	-12550.00	\$ (12,550.00)
Staples and acid was on INV 1580-2 pd 11/29/18	1	-3650.00	\$ (3,650.00)
draw due on 4/17	1	34441.25	\$ 34,441.25
TOTAL:			\$ 22,259.25

net credit 18532 + 13650
total credit 12182

All customer approved changes will be reflected as a detailed addendum to the contract and may lead to delays & extensions of the project completion date. Payment for all modifications to the original contract are due in full at time of acceptance of the addendum.

CUSTOMER PRINTED NAME: _____

CUSTOMER SIGNATURE: _____

IMPERIAL APPROVAL: _____

DATE: _____

ROC: KA6 Dual #316814

COPY



Fountain Park Homeowners Association

Imperial Pools & Design LLC

1/11/2019

000028

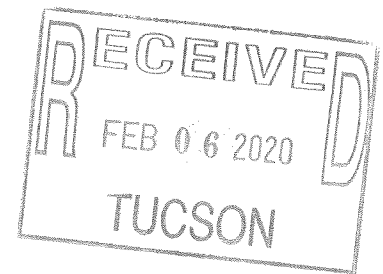
Invoice Date Invoice # GL Description

Cost Center Invoice Amt Amt Paid

1/11/2019 FP 01.10.19 Pool & Equipment Renovation - 50%

\$76,882.50 \$76,882.50

Total: \$76,882.50



Fountain Park Homeowners Association

7301 E 22nd St
P.O. Box 17052
Tucson, AZ 85731

Alliance Bank of Arizona

000028

January 11, 2019

PAY TO THE ORDER OF IMPERIAL POOLS & DESIGN LLC

\$76,882.50

SEVENTY SIX THOUSAND EIGHT HUNDRED EIGHTY TWO AND 50/100 ***** DOLLARS

Imperial Pools & Design LLC
3805 W River Rd
Tucson, AZ 85710

COPY

Fountain Park Homeowners Association

Imperial Pools & Design LLC

1/11/2019

000028

Invoice Date Invoice # GL Description

Cost Center Invoice Amt Amt Paid

1/11/2019 FP 01.10.19 Pool & Equipment Renovation - 50%

\$76,882.50 \$76,882.50

Total: \$76,882.50

RECEIVED
FEB 06 2020
TUCSON

Fountain Park Homeowners Association

Imperial Pools & Design LLC

2/22/2019

000030

Invoice Date Invoice # GL Description

2/22/2019 FP 02.22.19 Pool & Equipment Renov- Change order/City-Co Permitting

Cost Center

Invoice Amt

Amt Paid

\$12,550.00 \$12,550.00

Total: \$12,550.00

Fountain Park Homeowners Association

7301 E 22nd St
P.O. Box 17052
Tucson, AZ 85731

Alliance Bank of Arizona

000030

February 22, 2019

PAY TO THE ORDER OF IMPERIAL POOLS & DESIGN LLC

\$12,550.00

TWELVE THOUSAND FIVE HUNDRED FIFTY FIVE AND 00/100 ***** DOLLARS

Imperial Pools & Design LLC
3805 W River Rd
Tucson, AZ 85710

Fountain Park Homeowners Association

Imperial Pools & Design LLC

2/22/2019

000030

Invoice Date Invoice # GL Description

2/22/2019 FP 02.22.19 Pool & Equipment Renov- Change order/City-Co Permitting

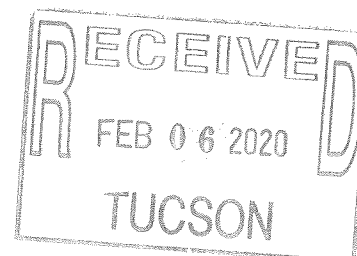
Cost Center

Invoice Amt

Amt Paid

\$12,550.00 \$12,550.00

Total: \$12,550.00



RECEIVED
FEB 06 2020
TUCSON

Fountain Park Homeowners Association

Imperial Pools & Design LLC

4/23/2019

000031

<u>Invoice Date</u>	<u>Invoice #</u>	<u>GL Description</u>	<u>Cost Center</u>	<u>Invoice Amt</u>	<u>Amt Paid</u>
4/19/2019	FP 04.19.19	Pool renovation: Progress Payment 2 of 3		\$22,259.25	\$22,259.25
				Total: \$22,259.25	

Fountain Park Homeowners Association
7301 E 22nd St
P.O. Box 17052
Tucson, AZ 85731

Alliance Bank of Arizona

000031

April 23, 2019

PAY TO THE ORDER OF IMPERIAL POOLS & DESIGN LLC

\$22,259.25

TWENTY TWO THOUSAND TWO HUNDRED FIFTY NINE AND 25/100 ***** DOLLARS

Imperial Pools & Design LLC
3805 W River Rd
Tucson, AZ 85710

COPY

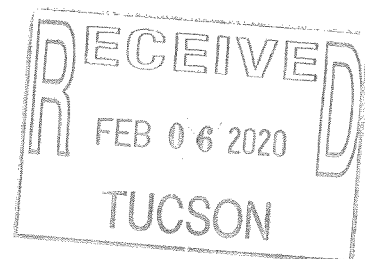
Fountain Park Homeowners Association

Imperial Pools & Design LLC

4/23/2019

000031

<u>Invoice Date</u>	<u>Invoice #</u>	<u>GL Description</u>	<u>Cost Center</u>	<u>Invoice Amt</u>	<u>Amt Paid</u>
4/19/2019	FP 04.19.19	Pool renovation: Progress Payment 2 of 3		\$22,259.25	\$22,259.25
				Total: \$22,259.25	



RECEIVED
FEB 06 2020
TUCSON

Fountain Park Homeowners Association

Imperial Pools & Design LLC

6/4/2019

000034

Invoice Date Invoice # GL Description

Cost Center Invoice Amt Amt Paid

6/4/2019 FP 06.04.15 Pool renovation: Progress pmt 3/3 - Plastering/Pebbletec

\$12,813.75 \$12,813.75

Total: \$12,813.75

Fountain Park Homeowners Association

7301 E 22nd St
P.O. Box 17052
Tucson, AZ 85731

Alliance Bank of Arizona

000034

June 04, 2019

PAY TO THE ORDER OF IMPERIAL POOLS & DESIGN LLC

\$12,813.75

TWELVE THOUSAND EIGHT HUNDRED THIRTY AND 75/100 ***** DOLLARS

Imperial Pools & Design LLC
3805 W River Rd
Tucson, AZ 85710

Fountain Park Homeowners Association

Imperial Pools & Design LLC

6/4/2019

000034

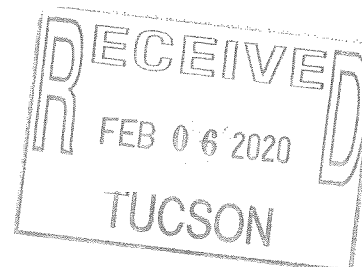
Invoice Date Invoice # GL Description

Cost Center Invoice Amt Amt Paid

6/4/2019 FP 06.04.15 Pool renovation: Progress pmt 3/3 - Plastering/Pebbletec

\$12,813.75 \$12,813.75

Total: \$12,813.75



Fountain Park Homeowners Association
7301 E 22nd St
P.O. Box 17052
Tucson, AZ 85731

Alliance Bank of Arizona

000042

November 14, 2019

PAY TO THE ORDER OF IMPERIAL POOLS & DESIGN LLC

\$4,000.00

FOUR THOUSAND AND 00/100 ***** DOLLARS

Imperial Pools & Design LLC
3805 W River Rd
Tucson, AZ 85710



Paul C. Kees

⑈000042⑈

Details on the back of this document are available at www.alliancebank.com

Applied To The Account Of
The Within Named Payee
Link 111 Enrollment

151



Under the terms of the security agreement, the security features provided on this document

Security Features

- 100% Cotton
- 100% Polyester
- 100% Nylon
- 100% Rayon
- 100% Silk
- 100% Wool
- 100% Linen
- 100% Cotton/Polyester
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- 100% Cotton/Wool
- 100% Cotton/Linen
- 100% Polyester/Rayon
- 100% Polyester/Wool
- 100% Polyester/Linen
- 100% Nylon/Rayon
- 100% Nylon/Wool
- 100% Nylon/Linen
- 100% Rayon/Wool
- 100% Rayon/Linen
- 100% Silk/Wool
- 100% Silk/Linen
- 100% Wool/Linen

019120600902385724100

Product design is a registered trademark of Chase Payment Systems. All other

RECEIVED
FEB 06 2020
TUCSON

Fountain Park Homeowners Association Imperial Pools & Design LLC 11/14/2019 000042

<u>Invoice Date</u>	<u>Invoice #</u>	<u>GL Description</u>	<u>Cost Center</u>	<u>Invoice Amt</u>	<u>Amt Paid</u>
11/14/2019	FP 11.14.19	Pool renovation: Final Payment per contract		\$4,000.00	\$4,000.00
				Total: \$4,000.00	

Fountain Park Homeowners Association
7301 E 22nd St
P.O. Box 17052
Tucson, AZ 85731

Alliance Bank of Arizona ***

000042

November 14, 2019

PAY TO THE ORDER OF IMPERIAL POOLS & DESIGN LLC

\$4,000.00

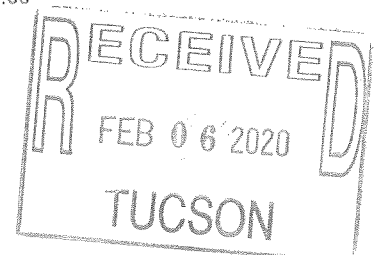
FOUR THOUSAND AND 00/100 ***** DOLLARS

Imperial Pools & Design LLC
3805 W River Rd
Tucson, AZ 85710

COPY

Fountain Park Homeowners Association Imperial Pools & Design LLC 11/14/2019 000042

<u>Invoice Date</u>	<u>Invoice #</u>	<u>GL Description</u>	<u>Cost Center</u>	<u>Invoice Amt</u>	<u>Amt Paid</u>
11/14/2019	FP 11.14.19	Pool renovation: Final Payment per contract		\$4,000.00	\$4,000.00
				Total: \$4,000.00	





ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeffrey L. Fleetham, Director

April 30, 2020

Respondent

Imperial Pools And Design LLC

DBA:

3805 W. River Rd., Ste. 105

Tucson, AZ 85741

License No. ROC 316814

Re:Complaint No. 2020-00747

WRITTEN DIRECTIVE FROM THE REGISTRAR

Dear Respondent:

After investigation, the Registrar has verified that your work fails to meet minimum workmanship standards. A.R.S. § 32-1154(A)(3); A.A.C. R4-9-108. Failure to comply with this Directive constitutes a violation of A.R.S. § 32-1154(A)(22) and may result in the issuance of a citation, discipline of your license, and a civil penalty pursuant to A.R.S. § 32-1154(E) of up to \$500.00. **You must notify the Registrar's assigned Investigator of your compliance with this Directive prior to 5:00 p.m. on May 20, 2020.**

RESTRICTIONS

- You may not perform or hire other contractors to perform work that is outside the scope of your license.
- If your license is currently suspended for administrative reasons¹, or is inactive, expired, or cancelled, you may not perform any corrective work nor contract in any manner, which includes hiring other contractors to perform work, until the suspension of your license(s) has been lifted or your license(s) has been reactivated.

DIRECTIVE REQUIREMENTS

You are directed to remedy the following violations by the appropriate means:

¹ This means the license is suspended for lack of qualifying party, lack of bond, nonrenewal, Recovery Fund payout, or for any reason listed in A.R.S. § 32-1124(F).



ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeffrey L. Fleetham, Director

Compliance Item: 9 - "Pool deck surface cracked shortly after completion and before final walkthrough"

Investigator's Observation: At time of inspection I observed the crack repair work performed by the respondent had not been completed by the respondent.

Governing Rule: Violation of any rule adopted by the Registrar; Namely A.A.C. R4-9-108(a): A contractor shall perform all work in a professional and workmanlike manner.

ITEMS NOT REQUIRING CORRECTION

The following complaint items require no action by the Respondent:

Compliance Item: 1 - "Contractor was paid \$8803 to move skimmers; work not performed; resulted in uneven skimmer suction"

Investigator's Observation: Complainant said skimmers had not been moved as specified in contract. Respondent said skimmers were installed as specified in contract. At time of jobsite inspection I observed pool skimmers were installed as specified in contract.

Governing Rule: N/A

Compliance Item: 2 - "Contractor was paid in full (total in item 8) to widen drain channels to 3"; not done."

Investigator's Observation: Complainant said at time of inspection that the channel drain was only 2" while the respondent said it was 3" at the base. Additional correspondence submitted by the respondent with an email forward from Beau Alexander, previous HOA president, specifies that the base of the drains is 3". At time of inspection I observed the top of the installed channel drain cover was 2" in width but I could not measure the base of the drain channel.

Governing Rule: N/A



ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeffrey L. Fleetham, Director

Compliance Item: 3 - "Contractor was to replace channel drain covers; not done; old ones are warping and lifting."

Investigator's Observation: Complainant said the channel drain covers were old and the respondent said the channel drain covers were new. Additional correspondence submitted by the respondent with an email forward from Beau Alexander, previous HOA president, specifies that the deck drains were new and arrived sealed in boxes with covers. I could not determine at time of jobsite inspection if channel drain covers were new or old.

Governing Rule: N/A

Compliance Item: 4 - "Contractor was paid \$10,800 to install new returns in pool bottom; not done; original returns remain"

Investigator's Observation: At time of inspection I observed that additional returns had not been installed in the pool bottom. Additional correspondence submitted by the respondent with an email forward from Beau Alexander, previous HOA president, specifies that the additional in-floor returns would not be added and that Mr. Alexander was fine with that.

Governing Rule: N/A

Compliance Item: 5 - "Contractor convinced previous Board of need for second filter system"

Investigator's Observation: Statement by complainant which does not represent a workmanship related complaint allegation for me to observe and report on.

Governing Rule: N/A

Compliance Item: 6 - "Contractor was paid \$3337 for a Pulsar Feeder sanitation system; not done"

Investigator's Observation: Respondent said they had installed an API brand



ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeffrey L. Fleetham, Director

EZ Pool feeder sanitation system which is made by the same manufacturer as Pulsar. Complainant said that the Pulsar brand was specified in the contract. At time of inspection I observed a Pulsar brand sanitation feeder system was not installed, however additional correspondence submitted by the respondent with an email forward from Beau Alexander, previous HOA president, specifies for the use of a system other than Pulsar.

Governing Rule: N/A

Compliance Item: 7 - "Sanitation system installed: a slurry tank, Stenner pumps to feed EZPool, Revive not in contract"

Investigator's Observation: Respondent said they had installed an API brand EZ Pool feeder sanitation system which is made by the same manufacturer as Pulsar. Complainant said that the Pulsar brand was specified in the contract. At time of inspection I observed a Pulsar brand sanitation feeder system was not installed, however additional correspondence submitted by the respondent with an email forward from Beau Alexander, previous HOA president, specifies for the use of a system other than Pulsar.

Governing Rule: N/A

Compliance Item: 8 - "Contractor was paid \$29,924 for new pool deck surface among other items (see #3 above)"

Investigator's Observation: Statement by complainant which does not represent a workmanship related complaint allegation for me to observe and report on.

Governing Rule: N/A

Compliance Item: 10 - "Required electric sub-panel installation was not up to code and not on approved drawings"



ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeffrey L. Fleetham, Director

Investigator's Observation: This item resolved prior to jobsite inspection.

Governing Rule: N/A

Compliance Item: 11 - "Tucson City rejected installation of sub-panel more than once before finally passing inspection"

Investigator's Observation: This item resolved prior to jobsite inspection.

Governing Rule: N/A

Compliance Item: 12 - " Contractor initially told previous Board that permits were not needed to do renovation"

Investigator's Observation: Statement by complainant which does not represent a workmanship related complaint allegation for me to observe and report on.

Governing Rule: N/A

Compliance Item: 13 - "Concerned homeowners contacted City; work was stopped until City and County permits obtained"

Investigator's Observation: Statement by complainant which does not represent a workmanship related complaint allegation for me to observe and report on.

Governing Rule: N/A

Compliance Item: 14 - "Stop work order resulted in higher costs initially and delays"

Investigator's Observation: Statement by complainant which does not represent a workmanship related complaint allegation for me to observe and report on. There appear to be written change orders for work performed by respondent.

Governing Rule: N/A



ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeffrey L. Fleetham, Director

Compliance Item: 15 - "Contractor was paid final \$4000 with request to correct specific items; corrections not done"

Investigator's Observation: Statement by complainant which does not represent a workmanship related complaint allegation for me to observe and report on.

Governing Rule: N/A

Please direct all questions regarding this Directive to the undersigned Investigator.

Sincerely,

Arlo Houston,
Investigator #185
(520) 628-6895
arlo.houston@roc.az.gov
400 W. Congress St., Suite 212
Tucson, Arizona 85701

cc

Complainant
Fountain Park Homeowner's Association
7301 E 22nd St.
Tucson, AZ 85710



ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeffrey L. Fleetham, Director

April 30, 2020

Complainant(s):
Fountain Park Homeowner's Association
7301 E 22nd St.
Tucson, AZ 85710

Re: Complaint No. 2020-00747

Dear Complainant:

Enclosed you will find a copy of additional information received by this office concerning the above referenced complaint.

If you have any questions or comments, please feel free to contact me.

Sincerely,

Arlo Houston,
Investigator #185
(520) 628-6895
arlo.houston@roc.az.gov
400 W. Congress St., Suite 212
Tucson, Arizona 85701

Cc: File



Arlo Houston <arlo.houston@roc.az.gov>

Data sheet for system we installed at Fountain Park: Complaint number 2020-00747

Patrick Crone <patrick.crone@tucsonpoolbuilding.com>
To: Arlo Houston <arlo.houston@roc.az.gov>

Wed, Apr 29, 2020 at 7:19 PM

Good Evening Arlo,

Attached is the datasheet for what was installed at Fountain Park and what was agreed upon.

If you need any other info regarding this please don't hesitate to reach out to me here, or anytime at 520-820-1979.

I also wanted to make sure you received the statement I forwarded over from the previous President (Beau) of the HOA who approved work?

If not I can re-send. Thank you in advance. I hope your week has been treating you wonderfully so far. 😊

Thank You & Best Regards,

Becca Keller

Imperial Pools and Design LLC

Coordinator

"Arizona's Premier Pool Builder"

(520)884-POOL (7665) o

(520)820-1979 c

KA-6 Dual ROC#316814

<http://www.tucsonpoolbuilding.com/>

<https://www.facebook.com/imperialpoolsanddesign/>

Click [HERE](#) to view our new Hot Tub Accessories Catalog!

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Pulsafeeder Tank Systems Datasheet.pdf

1741K

Tank Systems are a rugged line of tanks designed to fit most solution handling needs. All tanks are constructed of polyethylene (PE) and come in a variety of sizes. An available stand option provides a Stainless Steel Tripod stand with pump mounting shelf for all tank sizes on the Light and Heavy Duty Tanks.

Light Duty Linear Tanks

15 gallon tanks are translucent with 5 gallon increments and feature child resistant black caps. Other tanks have full fitted lids. 30 gallon tanks are HDPE Cream and 40 gallon tanks are HDPE White. 75 gallon tanks are HDPE Black. They feature a integral molded top with a 4 inch diameter opening.

Heavy Duty Tapered Tanks

Tapered HDPE tanks feature rigid covers which allow the top mounting of CHEM-TECH 100, 200 and most PULSAtron pump models. 1/20 HP Flange Mount Mixers may also be mounted on the cover. Tanks available in 35 and 50 gallon capacities are translucent with 5 gallon graduations. (Not suitable for use with 1/3 HP Flange Mount Mixers.)

Industrial Duty Tank Systems

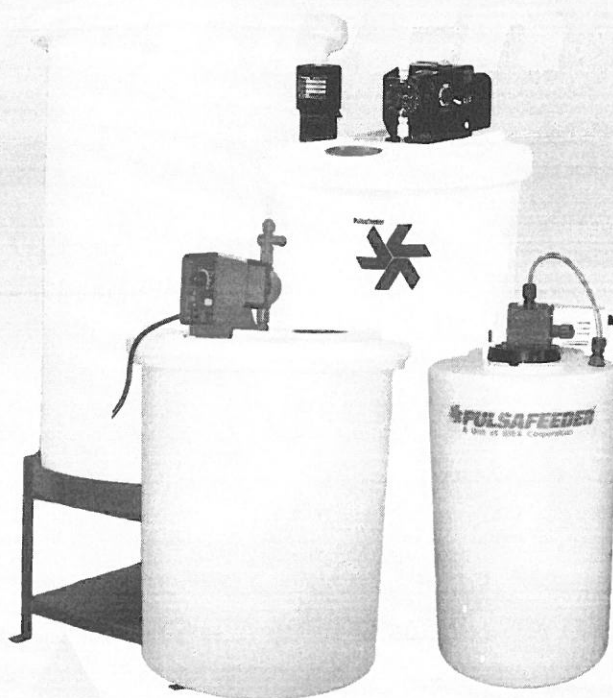
These tanks and covers are constructed of translucent PE with tank stands constructed of heavy gauge steel with a black corrosion resistant finish. The space conserving base for pump mounting under tank prevents loss of prime by maintaining a flooded suction. Industrial Duty Tank Systems come completely piped with PVC bulkhead, ball valve, Y strainer and suction tubing. Tank features graduated increments in both U.S. gallons and liters.

Features

- Tank sizes from 15 to 200 gallon

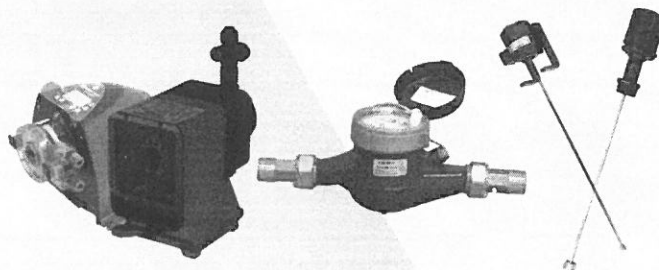
Operating Benefits

- Simple Installation.



Aftermarket

- Water Meters
- Gauges
- Dampeners
- Metering Pumps
- Pressure Relief Valves
- KOPkits
- Mixers (Bracket, Clamp, Flanged, Thread Mount)



Tank Systems

Tank Systems

Specifications and Model Selection

Received by Investigations
04/30/2020

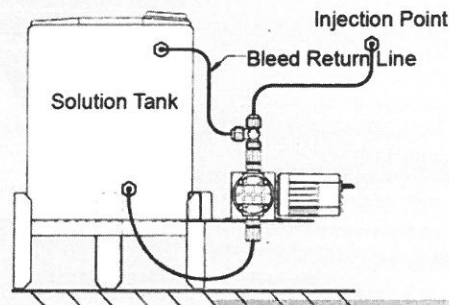
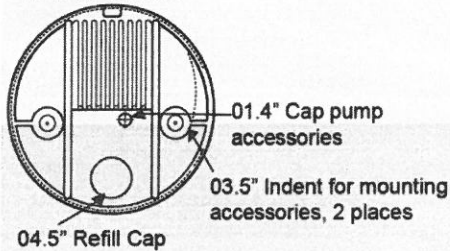
	Size Gallons	Wall	Tank Model	Stand Options			Material	Lid / Cover Type	Pump Mounting Options
				Series 100	Series C, C+, A+ & E*	Series E+ & E (LE33, LE34 & LE44)			
Light Duty	15	0.078"	40375	39320	J39373	J39378	PE Translucent		
	30	0.094"	J40360	39322	J39374	J39379	LLDPE		
	40	0.094"	J40361				LLPDE		
	75	0.125"	J40362	39324	J39377	J39382	LLPDE		
Heavy Duty	35	0.125"	40365	39323	J39375	J39380	MDPE		
	50	0.125"	J40366	39321	J39376	J39379	MDPE		
Heavy Wall	30	0.25"	42400				PE Translucent	Rigid PE Cover	Cover Mount
	55	0.25"	42401						
Industrial	30	0.25"	42402				PE Translucent	FRP w/ White Gelcoat	Base Mount
	55	0.25"	42396						
	100	0.31"	42397						
	150	0.31"	42398						
	200	0.31"	42399						

* Note: All Series E pumps except (LE33, LE34 & LE44)

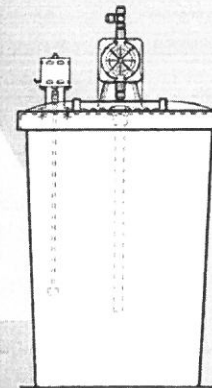
Typical Installations

for 15 to 75 Gallon Tank Systems

35 & 50 Gal Lid



Typical Tank, Stand, Feeder Combination
(shown with 15 Gallon Tank, Stand, Bulkhead Fittings and Chem-Tech Pump-all components are purchased separately.)
Note: When using this type of mount, tank bulkhead fittings are required for the suction and/or return lines. Bulkhead fittings are available in 3/8" O.D. and 1/2" O.D. tubing connections and can be installed at the factory.

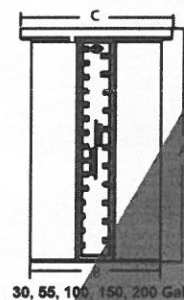
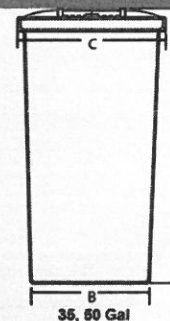
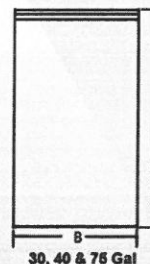
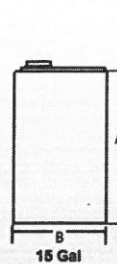
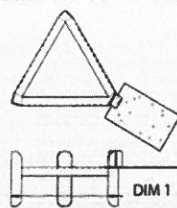


Typical Tank, Mixer, Feeder Combination
(shown with 50 Gallon Tapered MDPE Tank, 1/20 HP Mixer, PULSATRON Pump and Suction Tube Shield Assembly-all components are purchased separately.)

Dimensions

Tank Model	Size Gal	Dimensions (Inches)			
		Tank Stand 1	Height Tank A	Dia at Base B	Dia at Top C
40375	15	14.13"	25"	14.5"	
J40360	30	18.63"	32"	18.5"	
J40361	40	18.63"	41.25"	18.5"	
J40362	75	22.63"	41.75"	24.25"	
40365	35	18.88"	28"	20"	23"
J40366	50	18.13"	42.5"	18.5"	23"
42400	30		21.75"	21"	24.5"
42401	55		33.75"	21"	24.5"
42402	30		32"	18"	21"
42396	55		32"	24"	27"
42397	100		37"	30"	33"
42398	150		54"	30"	33"
42399	200		56"	34"	37"

Stand for 15-55 Gal



PULSAFEEDER
27101 Airport Road
Punta Gorda, FL 33982
Phone: ++1(941) 575-3800
Fax: ++1(941) 575-4085

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ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeffrey L. Fleetham, Director

U.S. mail
received
5/5/20
JLF

April 28, 2020

Complainant(s):
Fountain Park Homeowner's Association
7301 E 22nd St.
Tucson, AZ 85710

Re: **Complaint No. 2020-00747**

Dear Complainant:

Enclosed you will find a copy of additional information received by this office concerning the above referenced complaint.

If you have any questions or comments, please feel free to contact me.

Sincerely,

Arlo Houston,
Investigator #185
(520) 628-6895
arlo.houston@roc.az.gov
400 W. Congress St., Suite 212
Tucson, Arizona 85701

Cc: File



Arlo Houston <arlo.houston@roc.az.gov>

Fwd: Statement for Imperial

Patrick Crone <patrick.crone@tucsonpoolbuilding.com>
To: Arlo Houston <arlo.houston@roc.az.gov>

Tue, Apr 28, 2020 at 1:27 PM

Good Afternoon Arlo :)

Here is a statement from the previous president of the board at Fountain Park, I have another document I have been working on obtaining from one of our manufacturers that I'm hoping to have over to you today. If you need anything else regarding this please don't hesitate to reach out to me here or at 520-820-1979 anytime. Thank you in advance! I hope your week has been treating you wonderfully so far :)

Best Regards,
Becca Keller
Get Outlook for iOS

From: Beau Alexander <bjalexander2@centurylink.net>
Sent: Tuesday, April 28, 2020 12:37 PM
To: Patrick Crone
Subject: Fwd: Statement for Imperial

To Whom It May Concern:

Imperial decided not to do the in-floor return jets because they didn't want to jeopardize the structural integrity of the pool. It was decided that in consideration of the structural integrity of the pool to forgo the installation of the previously called out four in-floor return jets. I understood and agreed to this decision for safety & longevity reasons. It also would have resulted in a substantial increase in the cost of the permit, which was deemed excessive.

Due to the nation-wide increase in the incidence of Cryptosporidium caused illnesses, it was explained to me that changes to the Model Aquatic Health Code would mandate two (2) forms of semi-public swimming pool sanitation. The Fountain Park semi-public pool had only one. The use of the Maytronic Activate filter media would be one sanitation system and the EZ Pool and Revive systems would be the second, which bring our pool into compliance that was due to become the new MAHC in, I believe 2021. Another part of the MAHC was and increase the rate of complete pool water volume turn over. Our single filter could not handle the increase in water volume, so the second filter was required. As long as we were under-going a major renovation, now would be the time to bring our pool into compliance with the new code. Doing so now would save the considerable cost of doing it later under separate contract.

The deck rains were purchased new and arrived in sealed boxes with covers.

The base of the drains were 3" and the top 2 1/2", since this is the configuration of the 3" drains.

This license complaint is one of the most egregious abuses of position I have ever witnessed. I feel the questioning of Imperial's work has nothing to do with the company or their quality but with the personal issues the board in general and Alicia Navia specifically have with me. Imperial was always professional, always explained the project and any complications that arose as well as changes needed and any change orders.

I think it's most unfortunate that this unsubstantiated complaint will result in a negative mark on Imperial's license for work that they tried to complete & were not allowed onsite to do so.

Respectfully submitted,
Beau Alexander



ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeffrey L. Fleetham, Director

May 19, 2020

Compliance Jobsite Inspection Notice

Complainant(s)

Fountain Park Homeowner's Association
7301 E 22nd St.
Tucson, AZ 85710

Respondent(s)

Imperial Pools And Design LLC
DBA:
3805 W. River Rd., Ste. 105
Tucson, AZ 85741

Re: **Complaint No. 2020-00747**

Dear Complainant and Respondent:

A **Compliance Inspection** has been scheduled for **May 26, 2020** at **11:00 AM** to determine the current status of the items listed on the issued Directive.

The Complainant is required to be present for this inspection. The Respondent is encouraged to be present but is not required to attend.

Complainant:

SAFE ACCESS IS REQUIRED TO ANY AREA TO BE INSPECTED.

Sincerely,

Arlo Houston,
Investigator #185
(520) 628-6895
arlo.houston@roc.az.gov
400 W. Congress St., Suite 212
Tucson, Arizona 85701

Cc: File

Respondent(s)

Imperial Pools And Design LLC

DBA:

3805 W. River Rd., Ste. 105

Tucson, AZ 85741



ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeffrey L. Fleetham, Director

May 28, 2020

Complainant

Fountain Park Homeowner's Association
7301 E 22nd St.
Tucson, AZ 85710

**Re: Complaint No. 2020-00747;
License No. ROC 316814**

Dear Complainant:

At the Compliance Jobsite Inspection conducted on 5/26/2020 at 11:00 AM, the investigator determined that all items listed in the ROC Directive Orders dated 4/30/2020 had been completed within workmanship standards by the Respondent.

The complaint is hereby closed.

Please understand that nothing in this letter is intended to prevent you from seeking relief in another forum.

Sincerely,

Arlo Houston,
Investigator #185
(520) 628-6895
arlo.houston@roc.az.gov
400 W. Congress St., Suite 212
Tucson, Arizona 85701

cc: **Respondent**
Imperial Pools And Design LLC
3805 W. River Rd., Ste. 105
Tucson, AZ 85741



ARIZONA REGISTRAR OF CONTRACTORS



Douglas A. Ducey, Governor

Jeffrey L. Fleetham, Director

May 28, 2020

Compliance Jobsite Inspection Notes

Respondent

Imperial Pools And Design LLC
DBA:
3805 W. River Rd., Ste. 105
Tucson, AZ 85741

Complainant

Fountain Park Homeowner's Association
7301 E 22nd St.
Tucson, AZ 85710

Case No.: 2020-00747
Investigator: Arlo Houston
Inspection Date: May 26, 2020
Inspection Time: 11:00 AM

Compliance Jobsite General Notes: I arrived at the HOA pool area at 11:00 am. Present was the HOA's representative, Alicia Navia, and another HOA board member. The Respondent, Patrick Crone, was not present.

I advised the HOA's representative, Alicia Navia, and the other HOA board member that I was performing a Compliance Jobsite Inspection to verify the status of the item in question on the Written Directive dated April 30, 2020.

Pictures taken with Registrar of Contractors agency issued camera - Canon PowerShot ELPH180. Audio recorded with Registrar of Contractors agency issued digital audio recorder - Olympus Digital Voice Recorder DS-30.

Compliance Findings: I proceeded to inspect the item on the Written Directive dated April 30, 2020 and I found the following:

Compliance item 9: "Pool deck surface cracked shortly after completion and before final walkthrough."

The texture of the pool deck crack repair, and color of the pool deck coating applied to those areas, matched the surrounding areas of pool deck as closely as reasonably possible and an area of crack repair with

**Arizona Registrar of Contractors
Compliance Jobsite Inspection Notes**

1/8" of vertical displacement was within standards. Work done for this item meets workmanship standards for licensed contractors.

Note:

Please review the complaint items listed above. If any of the items have not been corrected at the time of the compliance inspection this complaint will be forwarded to the Registrar's legal department and a citation may be issued.

If all items are corrected after receipt of this letter, please notify the Registrar's legal department by sending a notice of compliance signed by the complainant to fax number (602) 364-0416 or by mail to: **Arizona Registrar of Contractors, P.O. Box 18244, Phoenix, Arizona 85005-8244.**

Sincerely,

Arlo Houston,
Investigator #185
(520) 628-6895
arlo.houston@roc.az.gov
400 W. Congress St., Suite 212
Tucson, Arizona 85701

**Arizona Registrar of Contractors
Compliance Jobsite Inspection Notes**

Complainant

Fountain Park Homeowner's Association
7301 E 22nd St.
Tucson, AZ 85710