BEFORE THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

	In the Matter of:	Case No.: P21-044
	Mark Philp Architect Registration No. 14369	CONSENT AGREEMENT and ORDER OF DISCIPLINE
	Allen + Philp Architects, PC Non-Registrant Firm (1999-2020) Current Firm Registration No. 22911	
ı	. .	

9 Respondents

10 11

12

13

14

15

16

17

1

2

3

4

5

6

7

8

In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration ("Board") and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party, Mark Philp ("Respondent"), holder of Registration No. 14369, Allen + Philp Architects, PC ('Respondent Firm'), Non-Registrant Firm (1999-2020), Current Firm Registration No. 22911, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

19 20

18

RECITALS

- 21 22
- Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.
- 24 25

23

present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such an

Respondent understands that he has a right to a public administrative hearing

27

26

administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,

concerning this case. He further acknowledges that at such formal hearing he could

28

judicial review or any other administrative and/or judicial action concerning the matters

set forth herein.

- 3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.
- 4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against him.
- 5. The Consent Agreement, any record prepared in this matter, all investigative materials prepared or received by the Board and all related exhibits and materials, are public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent Agreement and may be retained in the Board's files pertaining to this matter.
- 6. Respondent understands this Consent Agreement deals with Board case number P21-044 involving allegations that Respondent engaged in conduct that would subject him to discipline under the Board's statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.
- 7. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.
- 8. Respondent also understands that acceptance of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.
- 9. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board's Executive Director, he may not revoke his acceptance of the Consent Agreement or make any modifications to the document regardless of whether the Consent Agreement has been signed on behalf of the Board. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

- 10. This Consent Agreement is subject to the approval of the Board and is effective only when accepted by the Board and signed on behalf of the Board. If the Board does not accept this Consent Agreement, the Board retains its authority to hold a formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any action by any party, except that the parties agree that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or any records relating thereto.
- 11. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.
- 12. Respondent understands that any violation of this Consent Agreement may result in disciplinary action, including suspension or revocation of the registration under A.R.S. § 32-150.
- 13. Respondent agrees that the Board will adopt the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

- 1. The Board is the duly constituted authority for the regulation and control of the practice of Architecture in the State of Arizona.
- 2. Respondent is the holder of Arizona Registered Architect No.14369 and is one of two Principal Registrants of Respondent Firm.
- 3. According to the Arizona Corporation Commission, Respondent Firm was originally incorporated on or about April 2, 1999; however, Respondent Firm was not registered with the Board.
- 4. On or about October 27, 2020, the Board opened a complaint which included an allegation that Respondent and Respondent Firm engaged in the practice of architecture without firm registration with the Board.

5. On or about November 9, 2020, Respondent Firm was registered with the Board and issued Firm Registration No.22911.

CONCLUSIONS OF LAW

- 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.
- 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that Respondent failed to comply with state, municipal, and county laws, codes, ordinances and regulations pertaining to his area of practice.
- 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-121 and A.R.S. § 32-141, in that Respondent and Respondent Firm practiced or offered to practice a Board regulated profession without firm registration.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues the following Order:

- 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of Reprimand.
- 2. ADMINISTRATIVE PENALTY. Within sixty (60) days from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of Six Hundred Fifty Dollars (\$650.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration.
- 3. COST OF INVESTIGATION. Within thirty (30) days from the effective date of this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board in the amount of Three Hundred Seventy-Nine Dollars (\$379.00) by certified check or money order made payable to the State of Arizona Board of Technical Registration, according to the provisions of A.R.S. § 32-128(H).
- 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, as well as, all rules governing the practice of Architecture in the State of Arizona.

26

27

28

The Board shall consider any violation of this paragraph to be a separate violation of the rules and statues governing the Arizona Board of Technical Registration. The Board may also consider Respondent's non-compliance with this Order as a separate violation of A.R.S. § 32-150.

- 5. RENEWAL OF REGISTRATION. Respondent and Respondent Firm shall timely renew their Arizona registration as an Architect and an Architecture Firm, and timely pay all required registration fees.
- EFFECTIVE DATE. The effective date of this Consent Agreement is the 6. date the Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is the later of the two dates.
- 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with complying with this Consent Agreement.
- 8. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be heard, may revoke, suspend or take other disciplinary actions against the registration. The issue at such a hearing will be limited solely to whether this Order has been violated.

ACCEPTED and ORDERED this 22 day of MANUS 2022.

> Gilmore, L.A., Chairman Arizona State Board of

Technical Registration

Consent Agreement and Order, No. P21-044 accepted this 31 day of

ANVARY, 2022.

Mark Philp, on behalf himself and on behalf Allen + Philp Architects, PC,

Respondents

1	ORIGINAL filed this 25 day of	
2	<u>Narch</u> , 2022, with:	
3	Arizona State Board of Technical Registration	
4	1110 W. Washington, Suite 240 Phoenix, AZ 85007	
5		
6	No.9214 \$90 943 4 4600 0872 45 and	
7	First Class mail this 25 day of March, 2022, to:	
8		
9	Mark Philp	
10	Allen + Philp Architects, PC % Christopher Hossack	
11	Clark Hill PLC	
12	14850 N. Scottsdale Rd. Ste 500 Scottsdale, AZ 85254	
13		
14		
15	\mathcal{M}_{ϵ}	
16		
17	By:	
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		