

1 **BEFORE THE ARIZONA STATE**  
2 **BOARD OF TECHNICAL REGISTRATION**

3 **In the Matter of:** )  
4 **Vincent Dalke** )  
5 **Architect** )  
6 **Registration No. 30769** )  
7 **Respondent** )

**Case No.: P15-016**

**CONSENT AGREEMENT  
and  
ORDER OF DISCIPLINE**

8  
9 In the interest of a prompt and judicious resolution of the above-captioned matter  
10 before the Arizona State Board of Technical Registration ("Board") and consistent with  
11 the public interest, statutory requirements, and the responsibilities of the Board, and  
12 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,  
13 Vincent Dalke ("Respondent"), holder of Registration No. 30769, and the Board enter  
14 into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent  
15 Agreement") as a final disposition of this matter.

16 **RECITALS**

17 1. Respondent has read and understands this Consent Agreement and has had  
18 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
19 opportunity to discuss this Consent Agreement with an attorney.

20 2. Respondent understands that he has a right to a public administrative hearing  
21 concerning this case. He further acknowledges that at such formal hearing he could  
22 present evidence and cross-examine witnesses. By entering into this Consent Agreement,  
23 Respondent knowingly, voluntarily, and irrevocably waives his right to such an  
24 administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,  
25 judicial review or any other administrative and/or judicial action concerning the matters  
26 set forth herein.

27 3. Respondent affirmatively agrees that this Consent Agreement shall be  
28 irrevocable.

1           4. Respondent understands that this Consent Agreement or any part of the  
2 agreement may be considered in any future disciplinary action by the Board against him.

3           5. The Consent Agreement, any record prepared in this matter, all investigative  
4 materials prepared or received by the Board and all related exhibits and materials, are  
5 public records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this  
6 Consent Agreement and may be retained in the Board's files pertaining to this matter.

7           6. Respondent understands this Consent Agreement deals with Board case  
8 number P15-016 involving allegations that Respondent engaged in conduct that would  
9 subject him to discipline under the Board's statutes and rules. The investigation into  
10 these allegations against Respondent shall be concluded upon the Board's adoption of  
11 this Consent Agreement.

12           7. Respondent understands that this Consent Agreement does not constitute a  
13 dismissal or resolution of any other matters currently pending before the Board, if any,  
14 and does not constitute any waiver, express or implied, of the Board's statutory authority  
15 or jurisdiction regarding any other pending or future investigation, action or proceeding.

16           8. Respondent also understands that acceptance of this Consent Agreement does  
17 not preclude any other agency, subdivision, or officer of this State from instituting any  
18 other civil or criminal proceedings with respect to the conduct that is the subject of this  
19 Consent Agreement.

20           9. Respondent acknowledges and agrees that, upon signing this Consent  
21 Agreement and returning this document to the Board's Executive Director, he may not  
22 revoke his acceptance of the Consent Agreement or make any modifications to the  
23 document regardless of whether the Consent Agreement has been signed on behalf of the  
24 Board. Any modification to this original document is ineffective and void unless  
25 mutually agreed by the parties in writing.

26           10. This Consent Agreement is subject to the approval of the Board and is  
27 effective only when accepted by the Board and signed on behalf of the Board. If the  
28 Board does not accept this Consent Agreement, the Board retains its authority to hold a

1 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the  
2 Board does not approve this Consent Agreement, it is withdrawn and shall be of no  
3 evidentiary value and shall not be relied upon nor introduced in any action by any party,  
4 except that the parties agree that should the Board reject this Consent Agreement and this  
5 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced  
6 by its review and discussion of this document or any records relating thereto.

7 11. If a court of competent jurisdiction rules that any part of this Consent  
8 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
9 shall remain in full force and effect.

10 12. Respondent understands that any violation of this Consent Agreement may  
11 result in disciplinary action, including suspension or revocation of the registration under  
12 A.R.S. § 32-150.

13 13. Respondent agrees that the Board will adopt the following Findings of Fact,  
14 Conclusions of Law and Order.

15 **FINDINGS OF FACT**

16 1. The Board is the duly constituted authority for the regulation and control of  
17 the practice of Architecture in the State of Arizona.

18 2. Respondent is the holder of Arizona Architect Registration No. 30769.

19 3. Respondent was employed with Archicon Architecture & Interiors from 1995  
20 to January 6, 2014, becoming a Partner/Shareholder with Archicon in 1997.

21 4. During December of 2013, Respondent engaged in email communications  
22 with members of LGE management in which Respondent agreed to obtain the Computer-  
23 Aided Design or "CAD" for Archicon's One N. 1<sup>st</sup> St. project before Respondent left  
24 employment with Archicon. Respondent's communications also addressed start-up items  
25 to include a "number of project files" Respondent copied from Archicon and can provide  
26 to LGE. It was indicated that these files could be used to "mine for details" and start  
27 LGE's new library.

28 5. Between the dates of December 19, 2013 and January 6, 2014, including

1 January 1, 2014, while Archicon offices were closed for the holiday, Respondent copied  
2 data and computer files from Archicon's computer server on numerous occasions. The  
3 copied files contained, but not limited to, twelve (12) project folders, financial  
4 documents, Auto CAD files as well as other professional documents.

5 6. On or about January 6, 2014, Respondent resigned from Archicon  
6 Architecture & Interiors.

7 7. In or around January 2014, Respondent became employed by LGE Design  
8 Group and uploaded the files that were copied from Archicon's computer server to  
9 LGE's network drive.

10 8. On or about August 21, 2014, Respondent admitted during deposition, that he  
11 copied 10 or 12 CAD files from Archicon's server and subsequently transferred those  
12 "copied files" to Respondent's new firm, LGE Group's, server.

13 9. On or about August 27, 2014, Board staff received a complaint alleging that  
14 Respondent stole proprietary property and professional documents of another registrant  
15 and fraudulently used the stolen property and misrepresented it as his own.

16 10. On February 23, 2017, an Enforcement Advisory Committee convened to  
17 review the complaint against Respondent. Respondent admitted to the Committee that he  
18 copied project folders from Archicon. During the meeting, the Committee inquired as to  
19 the reasoning why the Respondent copied the data and project files. The Respondent  
20 stated his actions were done out of fear of the owner of Archicon. The finding of the  
21 Committee was that Respondent's action of downloading of professional documents and  
22 subsequently uploading them to the server of Respondent's new firm, constituted  
23 significant misconduct. The Committee concluded that Respondent's actions as a  
24 professional registrant were egregious and should not to be tolerated, condoned or judged  
25 lightly.

26 11. On April 25, 2017, the Board reviewed the complaint and found that  
27 Respondent demonstrated poor judgment and substantially deviated from the standard of  
28 practice of architecture when he knowingly and with intent copied information without

1 agreement or good cause. Such actions demonstrate Respondent's negligence in the  
2 practice of architecture due to lack of good judgment and ethical conduct.

3 **CONCLUSIONS OF LAW**

4 1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.

5 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
6 pursuant to A.R.S. § 32-128(C)(2), in that Respondent knowingly demonstrating gross  
7 negligence and misconduct.

8 **ORDER**

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

11 1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of  
12 Reprimand.

13 2. SUSPENSION OF REGISTRATION. Respondent's registration as a  
14 Registered Architect, Registration No. 30769, shall be suspended for Six (6) months.

15 3. PROBATION OF REGISTRATION. Following Respondent's Six (6)  
16 month suspension of registration period, Respondent's registration as an Architect shall  
17 be placed on probation for Twelve (12) months however, Respondent's probation may be  
18 terminated early if Respondent completes the terms of this Order prior to the conclusion  
19 of the twelve (12) month probation period. If Respondent completes the terms of this  
20 Order within the six-month suspension period, the Probation shall be waived and  
21 Respondent's registration will become Active after Respondent has completed the Six (6)  
22 month suspension of registration period.

23 4. PROFESSIONAL ETHICS CLASS. Within sixty (60) days from the  
24 effective date of this Consent Agreement, Respondent shall provide verification to the  
25 Board that Respondent has successfully completed eight (8) hours of professional ethics  
26 classes that have been pre-approved by Board staff.

27 5. ADMINISTRATIVE PENALTY. Within twelve (12) months from the  
28 effective date of this Consent Agreement, Respondent shall pay an administrative penalty

1 of Two Thousand Dollars (\$2000.00) by certified check or money order made payable to  
2 the State of Arizona Board of Technical Registration.

3 6. COST OF INVESTIGATION. Within twelve (12) months from the  
4 effective date of this Consent Agreement, Respondent shall pay the cost of investigation  
5 of this case to the Board in the amount of Two Thousand Fourteen Dollars (\$2014.00) by  
6 certified check or money order made payable to the State of Arizona Board of Technical  
7 Registration, per the provisions of A.R.S. § 32-128(H).

8 7. OBEY ALL LAWS. Respondent shall obey all federal, state and local  
9 laws, as well as, all rules governing the practice of Architecture in the State of Arizona.  
10 The Board shall consider any violation of this paragraph to be a separate violation of the  
11 rules and statues governing the Arizona Board of Technical Registration.

12 8. RENEWAL OF REGISTRATION. Respondent shall timely renew his  
13 Arizona registration as an Architect and timely pay all required registration fees.

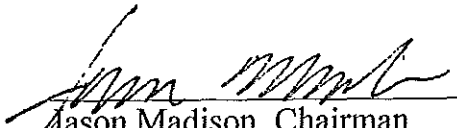
14 9. EFFECTIVE DATE. The effective date of this Consent Agreement is the  
15 date the Respondent and Board sign the Consent Agreement. If the dates are different, the  
16 effective date is the later of the two dates.

17 10. COSTS OF COMPLIANCE. Respondent shall pay all costs associated  
18 with complying with this Consent Agreement.

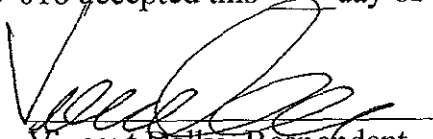
19 11. NONCOMPLIANCE. If Respondent violates this Order in any way or fails  
20 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity  
21 to be heard, may revoke, suspend or take other disciplinary actions against the  
22 registration. The issue at such a hearing will be limited solely to whether this Order has  
23 been violated. The Board may also consider Respondent's non-compliance with this  
24 Order as a separate violation of A.R.S. § 32-150

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28 ACCEPTED and ORDERED this 2<sup>ND</sup> day of JUNE, 2017.

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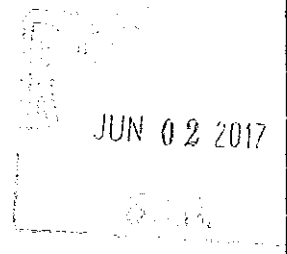
  
Jason Madison, Chairman  
Arizona State Board of  
Technical Registration

Consent Agreement and Order, No. P15-016 accepted this 2 day of  
JUNE, 2017.

  
Vincent Dalke, Respondent

**ORIGINAL** filed this 2 day of  
JUNE, 2017, with:

Arizona State Board of Technical Registration  
1110 W. Washington, Suite 240  
Phoenix, AZ 85007



**COPY** of the foregoing mailed via Certified Mail  
No. 9214 8901 9434 4600 0179 83 and  
First Class mail this 7 day of JUNE, 2017, to:

Vince Dalke  
LGE Design Group  
740 N. 52nd St.  
Phoenix, Arizona 85008

By: 