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BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION

In the Matter of:  
Vincent Catalano  
Architect  
Registration No. 23463  
VVC Design, P.L.L.C  
Firm Registration No. 20008  
Respondents

Case No.: P17-031  
  
CONSENT AGREEMENT  
and  
ORDER OF DISCIPLINE

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, Vincent Catalano ("Respondent"), holder of Registration No. 23463, and VVC Design, P.L.L.C., firm registration No. 12302 ("Respondent Firm"), 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.

**RECITALS**

1. 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.
2. Respondent understands that he has a right to a public administrative hearing concerning this case. He further acknowledges that at such formal hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action concerning the matters set forth herein.

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1           3. Respondent affirmatively agrees that this Consent Agreement shall be  
2 irrevocable.

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

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

9           6. Respondent understands this Consent Agreement deals with Board case  
10 number P17-031, involving allegations that Respondent engaged in conduct that would  
11 subject him to discipline under the Board's statutes and rules. The investigation into  
12 these allegations against Respondent shall be concluded upon the Board's adoption of  
13 this Consent Agreement.

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

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

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

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1 10. This Consent Agreement is subject to the approval of the Board and is  
2 effective only when accepted by the Board and signed on behalf of the Board. If the  
3 Board does not accept this Consent Agreement, the Board retains its authority to hold a  
4 formal administrative hearing pursuant to A.R.S. § 32-128(E). In the event that the  
5 Board does not approve this Consent Agreement, it is withdrawn and shall be of no  
6 evidentiary value and shall not be relied upon nor introduced in any action by any party,  
7 except that the parties agree that should the Board reject this Consent Agreement and this  
8 case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced  
9 by its review and discussion of this document or any records relating thereto.

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

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

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

18 **FINDINGS OF FACT**

19 1. The Board is the duly constituted authority for the regulation and control of  
20 the practice of Professional Architecture in the State of Arizona.

21 2. Respondent is the holder of Arizona Professional Architect Registration, No.  
22 23463. Respondent Firm was not by the Board until October 5, 2016.

23 3. On September 13, 2016, the Board received a complaint alleging in or around  
24 July of 2016, Respondent failed to apply the same technical knowledge skill that would  
25 be applied by other qualified registrants who practice the same profession in the same  
26 area at the same time by preparing, signing and sealing a post-construction site plan that  
27 included inaccurate lot boundary dimensions for a property located in Tucson, AZ. It  
28 was further alleged that Respondent Firm engaged in the practice of a Board regulated

1 profession without firm registration with the Board by practicing or offering to practice  
2 architecture through a firm that was not registered by the Board.

3 4. On October 5, 2016, Respondent Firm became registered by the Board and  
4 assigned firm registration No. 20008.

5 5. On May 10, 2017, the Board empaneled an Enforcement Advisory  
6 Committee ("EAC") to review this case. After reviewing the evidence, and conducting  
7 interviews with the Respondent and Alleger, the EAC found that:

8 A. Respondent made an erroneous presumption as to the location of the  
9 easterly lost line of the client's property. Respondent's error resulted in an inaccurate site  
10 plan that was sealed by the Respondent and relied upon by the City of Tucson. The  
11 Committee further found that the lot dimensions were readily available from county  
12 records,

13 B. Respondent engaged in the practice of architecture through an unregistered  
14 firm.

### 15 CONCLUSIONS OF LAW

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

17 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
18 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(6), in that  
19 Respondent failed to apply the same technical knowledge skill that would be applied by  
20 other qualified registrants who practice the same profession in the same area at the same  
21 time.

22 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline  
23 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that  
24 Respondent practiced or offered to practice architecture through a firm not registered by  
25 the Board.

### 26 ORDER

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

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

3           2.   ADMINISTRATIVE PENALTY. Within six (6) months from the effective  
4 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two  
5 Hundred Fifty Dollars (\$250.00) by certified check or money order made payable to the  
6 State of Arizona Board of Technical Registration.

7           3.   COST OF INVESTIGATION. Within sixty (60) days from the effective date  
8 of this Consent Agreement, Respondent shall pay the cost of investigation of this case to  
9 the Board in the amount of Five Hundred Forty-Eight Dollars (\$548.00) by certified  
10 check or money order made payable to the State of Arizona Board of Technical  
11 Registration, according to the provisions of A.R.S. § 32-128(H).

12           4.   OBEY ALL LAWS. Respondent shall obey all federal, state and local laws,  
13 as well as, all rules governing the practice of Architecture in the State of Arizona. The  
14 Board shall consider any violation of this paragraph to be a separate violation of the rules  
15 and statues governing the Arizona Board of Technical Registration. The Board may also  
16 consider Respondent's non-compliance with this Order as a separate violation of A.R.S. §  
17 32-150.

18           5.   RENEWAL OF REGISTRATION. During the probationary period,  
19 Respondent and Respondent Firm shall timely renew their Arizona registration as an  
20 Architect and an Architectural Firm, and timely pay all required registration fees.

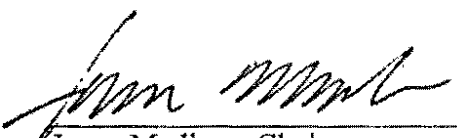
21           6.   EFFECTIVE DATE. The effective date of this Consent Agreement is the  
22 date the Respondent and Board sign the Consent Agreement. If the dates are different, the  
23 effective date is the later of the two dates.

24           7.   COSTS OF COMPLIANCE. Respondent shall pay all costs associated with  
25 complying with this Consent Agreement.


26           8.   NONCOMPLIANCE. If Respondent violates this Order in any way or fails  
27 to fulfill the requirements of this Order, the Board, after giving notice and the opportunity  
28 to be heard, may revoke, suspend or take other disciplinary actions against the

1 registration. The issue at such a hearing will be limited solely to whether this Order has  
2 been violated.

3  
4 ACCEPTED and ORDERED this 1<sup>st</sup> day of SEPTEMBER, 2017.

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7   
8 Jason Madison, Chairman  
9 Arizona State Board of  
10 Technical Registration

11 Consent Agreement and Order, No. P17-031, accepted this 31 day of  
12 AUGUST, 2017.

13  
14   
15 Vincent V. Catalano, Personally and on  
16 behalf of VVC Design, P.L.L.C.,  
17 Respondents

18 ORIGINAL filed this 5<sup>th</sup> day of  
19 SEPTEMBER, 2017, with:

20 Arizona State Board of Technical Registration  
21 1110 W. Washington, Suite 240  
22 Phoenix, AZ 85007

23 COPY of the foregoing mailed via Certified Mail  
24 No. 9214 8901 9434 4600 0233 97 and  
25 First Class mail this 5<sup>th</sup> day of SEPTEMBER, 2017, to:

26 Vincent V. Catalano  
27 VVC Design, P.L.L.C.  
28 1920 W. Cassim Lane  
Tucson, AZ, 85704

By: 