

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

3 **In the Matter of:**

Case No.: P21-043

4 **Kenneth Allen**
5 **Architect**
6 **Registration No. 14330**

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

7 **Allen + Philp Architects, PC**
8 **Non-Registrant Firm (1999-2020)**
9 **Current Firm Registration No. 22911**

10 **Respondents**

11 In the interest of a prompt and judicious resolution of the above-captioned matter
12 before the Arizona State Board of Technical Registration (“Board”) and consistent with
13 the public interest, statutory requirements, and the responsibilities of the Board, and
14 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
15 Kenneth Allen (“Respondent”), holder of Registration No. 14330, Allen + Philp
16 Architects, PC (“Respondent Firm”), Non-Registrant Firm (1999-2020), Current Firm
17 Registration No. 22911, and the Board enter into the following Recitals, Findings of Fact,
18 Conclusions of Law and Order (“Consent Agreement”) as a final disposition of this
19 matter.

20 **RECITALS**

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

24 2. Respondent understands that he has a right to a public administrative hearing
25 concerning this case. He further acknowledges that at such formal hearing he could
26 present evidence and cross-examine witnesses. By entering into this Consent Agreement,
27 Respondent knowingly, voluntarily, and irrevocably waives his right to such an
28 administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,

1 judicial review or any other administrative and/or judicial action concerning the matters
2 set forth herein.

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

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

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

11 6. Respondent understands this Consent Agreement deals with Board case
12 number P21-043 involving allegations that Respondent engaged in conduct that would
13 subject him to discipline under the Board's statutes and rules. The investigation into
14 these allegations against Respondent shall be concluded upon the Board's adoption of
15 this Consent Agreement.

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

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

24 9. Respondent acknowledges and agrees that, upon signing this Consent
25 Agreement and returning this document to the Board's Executive Director, he may not
26 revoke his acceptance of the Consent Agreement or make any modifications to the
27 document regardless of whether the Consent Agreement has been signed on behalf of the
28

1 Board. Any modification to this original document is ineffective and void unless
2 mutually agreed by the parties in writing.

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

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

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

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

20 **FINDINGS OF FACT**

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

23 2. Respondent is the holder of Arizona Registered Architect No.14330 and is
24 one of two Principal Registrants of Respondent Firm.

25 3. According to the Arizona Corporation Commission, Respondent Firm was
26 originally incorporated on or about April 2, 1999; however, Respondent Firm was not
27 registered with the Board.

28 4. On or about October 27, 2020, the Board opened a complaint which included

1 an allegation that Respondent and Respondent Firm engaged in the practice of
2 architecture without firm registration with the Board.

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

5 CONCLUSIONS OF LAW

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

7 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
8 pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(4), in that
9 Respondent failed to comply with state, municipal, and county laws, codes, ordinances
10 and regulations pertaining to his area of practice.

11 3. The conduct alleged in the Findings of Fact constitutes grounds for discipline
12 pursuant to A.R.S. § 32-121 and A.R.S. § 32-141, in that Respondent and Respondent
13 Firm practiced or offered to practice a Board regulated profession without firm
14 registration.

15 ORDER

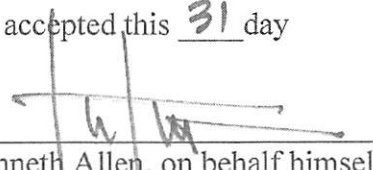
16 Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues
17 the following Order:

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

20 2. ADMINISTRATIVE PENALTY. Within sixty (60) days from the
21 effective date of this Consent Agreement, Respondent shall pay an administrative penalty
22 of Six Hundred Fifty Dollars (\$650.00) by certified check or money order made payable
23 to the State of Arizona Board of Technical Registration.

24 3. COST OF INVESTIGATION. Within thirty (30) days from the effective
25 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
26 case to the Board in the amount of Three Hundred Seventy-Nine Dollars (\$379.00) by
27 certified check or money order made payable to the State of Arizona Board of Technical
28 Registration, according to the provisions of A.R.S. § 32-128(H).

1 Consent Agreement and Order, No. P21-043 accepted this 31 day
2 of ~~JANUARY~~, 2022.

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4 
5 Kenneth Allen, on behalf himself and on
6 behalf Allen + Philp Architects, PC,
7 Respondents

8 ORIGINAL filed this 25 day of
9 March, 2022, with:

10 Arizona State Board of Technical Registration
11 1110 W. Washington, Suite 240
12 Phoenix, AZ 85007

13 COPY of the foregoing mailed via Certified Mail
14 No. 9214 8901 9434 4600 0872 38 and
15 First Class mail this 25 day of March, 2022, to:

16 Kenneth Allen
17 Allen + Philp Architects, PC
18 % Christopher Hossack
19 Clark Hill PLC
20 14850 N. Scottsdale Rd. Ste 500
21 Scottsdale, AZ 85254

22 By: 
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