

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

3 **In the Matter of:**

Case No.: P22-045

4 **Joseph Burke**
5 **Professional Engineer (Civil)**
6 **Registration No. 31775**

CONSENT AGREEMENT
and
ORDER OF DISCIPLINE

7 **Burke Engineering Group, Inc.**
8 **Non-Registrant Firm**

9 **Respondents**

10 In the interest of a prompt and judicious resolution of the above-captioned matter
11 before the Arizona State Board of Technical Registration ("Board") and consistent with
12 the public interest, statutory requirements, and the responsibilities of the Board, and
13 pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party,
14 Joseph Burke ("Respondent"), holder of Registration No. 31775, and Burke Engineering
15 Group Inc. ("Respondent Firm"), Non-Registrant Firm, and the Board enter into the
16 following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
17 Agreement") as a final disposition of this matter.

18 **RECITALS**

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

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

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 P22-045 involving allegations that Respondent engaged in conduct that would
11 subject him to discipline under the Board's statutes and rules. The investigation into these
12 allegations against Respondent shall be concluded upon the Board's adoption of this
13 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 services to the public.

2 6. Beginning in 2020, Respondent again began to practice through Respondent
3 Firm.

4 7. On or about January 19, 2022, the Board opened a complaint which included
5 an allegation that Respondent and Respondent Firm engaged in the practice of civil
6 engineering without Firm registration with the Board.

7 8. On February 8, 2022, Respondent received Firm registration with the Board,
8 registration #23776, expiration 2/08/2023.

9 **CONCLUSIONS OF LAW**

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

11 2. The conduct alleged in the Findings of Fact constitutes grounds for discipline
12 pursuant to A.R.S. § 32-121, A.R.S. 32-141 and A.R.S. 32-128(C)(4) as it relates to
13 A.A.C. R4-30-301(4), in that Respondent failed to comply with stated municipal, and
14 county laws, codes, ordinances, and regulations pertaining to his area of practice.

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

19 **ORDER**

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

22 1. **LETTER OF REPRIMAND.** Respondent is hereby issued a Letter of
23 Reprimand.

24 2. **ADMINISTRATIVE PENALTY.** Within sixty (60) days from the effective
25 date of this Consent Agreement, Respondent shall pay an administrative penalty of Two
26 Hundred Fifty Dollars (\$250.00) by certified check or money order made payable to the
27 State of Arizona Board of Technical Registration.

28 3. **COST OF INVESTIGATION.** Within thirty (30) days from the effective

1 date of this Consent Agreement, Respondent shall pay the cost of investigation of this
2 case to the Board in the amount of Two Hundred Thirty Five Dollars (\$235.00) by
3 certified check or money order made payable to the State of Arizona Board of Technical
4 Registration, according to the provisions of A.R.S. § 32-128(H).

5 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws,
6 as well as, all rules governing the practice of Engineering in the State of Arizona. The
7 Board shall consider any violation of this paragraph to be a separate violation of the rules
8 and statues governing the Arizona Board of Technical Registration. The Board may also
9 consider Respondent's non-compliance with this Order as a separate violation of A.R.S. §
10 32-150.

11 5. RENEWAL OF REGISTRATION. Respondent Firm shall timely renew
12 their Arizona registration as an Engineer and an Engineering Firm, and timely pay all
13 required registration fees.

14 6. 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 7. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with
18 complying with this Consent Agreement.

19 8. 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.

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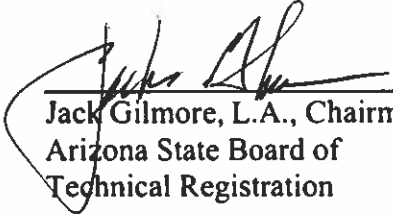
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ACCEPTED and ORDERED this 25 day of April, 2022.

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Jack Gilmore, L.A., Chairman
Arizona State Board of
Technical Registration

Consent Agreement and Order, No. P22-045 accepted this 8 day of MARCH, 2022.

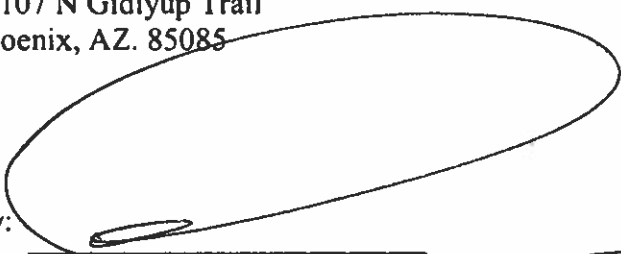

Joseph Burke, on behalf of himself
and on behalf of Burke Engineering
Group PLLC, Respondents

ORIGINAL filed this 25 day of APRIL, 2022, 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 0874 81 and
First Class mail this 27 day of April, 2022, to:

Joseph Burke
27107 N Gidiyup Trail
Phoenix, AZ. 85085

By: 
GM Boehm, Investigator