

**BEFORE THE IOWA ARCHITECTURAL EXAMINING BOARD**

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<b>In re:</b>	)	
	)	<b>Case No. 01-05</b>
<b>James R. Barrett d/b/a</b>	)	
<b>Architectural Design Services</b>	)	
<b>123 N. Linn Street, Suite 2A-2</b>	)	<b>Consent Agreement</b>
<b>Iowa City, Iowa 52245</b>	)	
	)	

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The Iowa Architectural Examining Board ("Board") and James R. Barrett d/b/a/Architectural Design Services (collectively "Barrett") stipulate to the following Consent Agreement pursuant to Iowa Code sections 17A.10 and 544A.15(1) (2001):

1. Barrett is an individual offering design services to the public with offices in Iowa City, Johnson County, Iowa.
2. Barrett is not registered as an architect in Iowa under Iowa Code chapter 544A. Barrett is registered as an architect in one or more other states.
3. Barrett's company is not authorized as a business entity to practice architecture in Iowa, pursuant to Iowa Code section 544A.21(5), and does not currently employ any architects registered in Iowa.
4. Barrett has held himself out to the public in Iowa as an architect. Barrett has: (a) used the title "architect" in his letterhead and logo, (b) signed contracts with Iowa citizens identifying himself as an architect, (c) prepared design documents identifying himself as an architect in title blocks, and (d) advertised in the telephone yellow pages under the heading "architects."
5. Pursuant to Iowa Code section 544A.1 only persons registered with the Board are authorized to practice architecture in Iowa. It is unlawful for a person to either engage in the practice of architecture or to use the title "architect" unless the person is registered to practice architecture in Iowa, pursuant to Iowa Code section 544A.15(1). A violation of this provision is a serious misdemeanor pursuant to Iowa Code section 544A.15(2). Additionally, the Board may impose a civil penalty of up to \$1,000 per violation per day against a person who improperly uses or employs the title "architect" pursuant to Iowa Code section 544A.3(a)(2).
6. The Board is granted discretion in Iowa Code section 544A.15(4) to enter into a consent agreement with a person committing a first offense in lieu of prosecuting

the violation if the person acknowledges the violation and agrees to refrain from any further violations. The Board wishes to exercise that discretion in this case upon the conditions outlined in this Order.

7. Barrett agrees to informally resolve the pending investigation and complaint on the terms outlined in this Order. Because Barrett has cooperated with the Board and wishes to resolve this matter, the Board will take no formal action at this time and has made no factual or legal determination of violation. Some of the activities described in this Agreement were isolated and unintentional. Barrett received some information from a private organization which may have unintentionally led to the issues described in this Agreement.

8. Barrett understands that he has a right to a hearing before the Board under Iowa Code section 544A.15(3)(d), but waives his right to hearing and all attendant rights by freely and voluntarily entering into this Order. This Consent Order shall be treated as the final agency order in a contested case.

9. This Order shall be part of the permanent record of Barrett and may be used as evidence in a subsequent enforcement action before the Board or in an injunction action in district court.

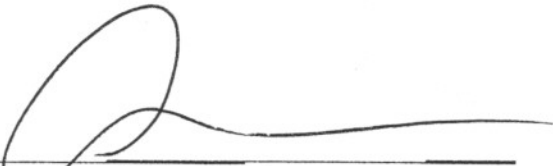
10. Barrett agrees that he will not in the future engage in the practice of architecture, as defined in Iowa Code section 544A.16(9), represent to the public any ability or authority to do so, or otherwise use the title "architect" when providing design services in Iowa without becoming registered as an architect in Iowa. Once registered individually, Barrett agrees to secure any authorization to practice architecture as a business entity his company may need under Iowa law. Barrett may disclose to the public that he is registered as an architect in another state, if true, but he must also disclose that he is not registered as an architect in Iowa. Without limitation, Barrett agrees to alter his letterhead, logo, business cards, yellow page listings and other advertising, client or prospective client communications, contracts, design documents, and title blocks so they are all in conformance with this Consent Agreement and Order.

11. While Barrett agrees to either take steps to become registered as an architect in Iowa or to refrain from practicing architecture or using the title "architect" in Iowa, Barrett recognizes that his current yellow pages advertising will be in circulation for some time offering architectural services in Iowa. Some Iowans may contact Barrett under the mistaken belief that he is registered as an architect in Iowa. Barrett, therefore, agrees that until his current yellow page advertising is out of circulation or he becomes registered in Iowa, he will provide a written disclosure to all current and future Iowa clients and prospective clients informing them that he is not registered as an architect in Iowa.

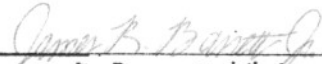
12. This Consent Agreement and Order is a public record pursuant to Iowa Code chapter 22.

AGREED AND ACCEPTED:

The Iowa Architectural Examining Board

  
By: Gordon Mills, Chair

5/14/02  
Date

  
James R. Barrett d/b/a  
Architectural Design Services

5/14/02  
Date

Department of Commerce  
Professional Licensing and Regulation Division  
**FILED** 5/14/02 (Date)  
Architecture  
Board/Commission  
  
Signature, Executive Officer