

BEFORE THE IOWA ARCHITECTURAL EXAMINING BOARD FILED 1/7/98 (Date)

Arch. Examining
Board / Commission
Clinda J. Jones
Signature, Executive Officer

In Re:

CHARLES BRUGGEMAN
BRUGGEMAN DESIGN GROUP
1544 2nd Avenue SE
Cedar Rapids, IA 52403

CASE NO. 97-16

CONSENT ORDER

Respondent.

The Iowa Architectural Examining Board ("Board") and Charles Bruggeman d/b/a/ Bruggeman Design Group (collectively "Bruggeman") stipulate to the following Consent Order pursuant to Iowa Code § 544A.15 (1997) and 193B 5.24(6):

1. The Board issued a Notice of Board's Intent to Issue Order and Respondent's Right to Hearing in December, 1997. Bruggeman was served by restricted certified mail on December 12, 1997, and timely requested a hearing on December 31, 1997.

2. The Board has jurisdiction of this matter pursuant to Iowa Code Chapters 17A, 542C, and 272C (1997).

3. Bruggeman does not admit all allegations in the Notice of Hearing, but agrees the Board may rely on the allegations as providing the factual basis for this Order. Bruggeman affirmatively states that he did not affirmatively identify himself as an "architect" in the October 17, 1997, edition of the Construction Update - Iowa Building Project Descriptions.

4. Bruggeman agrees he has provided design services for the Farmers & Merchant Bank in connection with the construction of a new building at 4000 1st Ave., N.E., Cedar Rapids, Iowa, and acknowledges that if the building does not fall within an exemption listed in Iowa Code section

544A.18 (1997), the services he performed would need to be provided by an architect licensed in the State of Iowa.

5. Bruggeman states that he believed the structure was exempt pursuant to Iowa Code Section 544A.18(4) as a one-story commercial building with less than 10,000 square feet of gross floor area. Bruggeman did not include the lower level in his calculations as he did not believe the law required him to. The Board determined when it issued the Notice in this case that the square footage in the lower level should have been included because it appeared to have been designed for use as a public space. The lower level space is designed to be completely secured off from the upper level by having the stairs located off the main vestibule and the secondary stairs exit directly to the exterior, such as could be used for future expansion, community groups, etc. As further evidence of the potential public use of this space, the lower level is designed with the largest bathrooms in the building.

6. Bruggeman has a right to a hearing on the Board's Notice of Intent to Impose Civil Penalties, but waives his right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Order. Once entered, this Order shall have the force and effect of an order entered following contested case hearing.

7. Respondents agree the State's counsel may present this Order to the Board and may have ex parte communications with the Board while representing it.

8. This Order shall be part of the permanent record of Respondents and shall be considered by the Board in determining the nature and severity of civil penalties in the event of any future violations.

9. This Order and the Board's Notice are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (1997).

10. This Consent Order is subject to approval of the Board:

(a) If the Board fails to approve this Agreement, it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter.

(b) If the Board approves this Agreement, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

A. Bruggeman shall pay a civil penalty of \$500 to the Board within thirty (30) days of the date this Consent Order has been accepted by the Board.

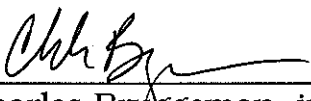
B. Bruggeman agrees that he will not in the future engage in the practice of architecture in Iowa, as defined in Iowa Code section 544A.16(9), or represent to the public any ability or authority to do so without becoming registered as an architect in Iowa. Bruggeman shall restrict his design work to exempt structures, as defined in Iowa Code section 544A.18 and 193B IAC 1.5, except as permitted under Iowa Code 544A.17(2) (1997).

AGREED AND ACCEPTED:

**The Iowa Architectural
Examining Board**


By Glen D. Huntington, Chair

4-7-98
DATE


Charles Bruggeman, individually and
on behalf of Bruggeman Design Group

3/6/98
DATE