

**BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA**

IN THE MATTER OF:

**CHRISTENSEN CONSTRUCTION &
DESIGN, COMPANY, INC., an Iowa
corporation, and STEVEN CHRISTENSEN,
an individual,**

RESPONDENTS

CASE NO. 00-13

CONSENT ORDER

The Iowa Architectural Examining Board (Board) issued a Notice of Board's Intent to Issue Order pursuant to Iowa Code section 544A.15 (2001), alleging that Christensen Construction & Design, Company, Inc. and Steven Christensen (collectively "Respondents") engaged in the unauthorized practice of architecture, and asserting the Board's intent to impose a civil penalty. Respondents timely requested a hearing and filed an answer admitting some allegations and denying other allegations. While Respondents do not admit they violated Iowa law, Respondents do agree to the entry of the following Consent Order which, if fully-satisfied, will resolve all issues in this case without hearing:

1. Respondents agree they provided preliminary design services (plans, specifications and bid documents) in connection with the 2000 addition to the Terril Community School District in Terril, Iowa.
2. Respondents also agree they provided preliminary design services (plans, specifications and bid documents) in connection with the 2001 addition to the Iowa Lakes Community College in Spirit Lake, Iowa.
3. Respondents agree that in the future they will not prepare plans, specifications, bid documents or other technical submissions as those terms are defined in Iowa Code subsections 544A.16(9), (10), and (14) (2001), unless the technical

submissions are prepared in connection with a building or structural modification to a building which, pursuant to Iowa Code section 544A.18, may be designed by persons who are not registered architects or professional engineers. Respondent's acknowledge that there is no statutory exemption for the initial construction of or structural modification to a building used for educational purposes. Accordingly, in the future, Respondents will not perform or offer to perform architectural services, as defined in Iowa Code subsections 544A.16(9) and (10), in connection with such buildings.

4. Architectural services, including those provided in the competitive bidding process, must be performed by or under the direct supervision and responsible charge of a registered architect. Accordingly, Respondent Steven Christensen will not in the future offer or provide architectural services in Iowa unless he becomes registered as an architect in Iowa, and Respondent Christensen Construction & Design, Company, Inc. will not in the future offer or provide architectural services in Iowa unless it qualifies as a business entity authorized to do so pursuant to Iowa Code section 544A.21 (2001).

5. Among the professional services Respondents shall not provide in the future for buildings intended for educational purposes, except in compliance with the terms of this Consent Order, are: preliminary or final floor plans, construction bid specifications, consultation regarding compliance with applicable Code requirements (including mechanical, ventilation, plumbing, equipment, electrical, and fire resistivity), structural compliance with applicable Codes and professional standards, handicapped accessibility, ingress and egress patterns, and other professional services involving the life, health and safety of the public.

6. Respondents have cooperated with the Board's investigation and have not

been the subject of any prior complaints. Respondents may have been provided misleading information from another state agency as to the need for professional architectural services in the bidding stages of an educational building project. The Board will therefore reduce the penalty provided in the Board's Notice of Intent from \$2,000 to \$500.

7. Respondents have a right to a hearing on the imposition of civil penalties, but waive their 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.

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

9. 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 any future action in the event of any future violations.

10. This Order and the Notice of Board's Intent to Issue Order are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2001).

11. This Order is subject to approval of the Board:

(a) If the Board fails to approve this Order, 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 Order, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

(A) Respondents, jointly and severally, are assessed a civil penalty of \$500, payable within 30 days of the date this Consent Order is signed by the Board.

(B) Respondents and their officers, directors, owners and employees, will in the future refrain from engaging in the practice of architecture in Iowa, as defined in Iowa Code section 544A.16(9), or representing to the public any ability or authority to perform architectural services, except through a business entity authorized to practice architecture in Iowa or, as applicable, individual registration as an architect in Iowa.

AGREED:

**Christensen Construction & Design,
Company, Inc. and Steven Christensen**



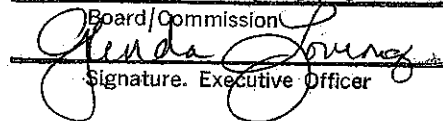
Date 10-18-01

**By: Steven Christensen, individually and as President of
Christensen Construction & Design, Company, Inc.**

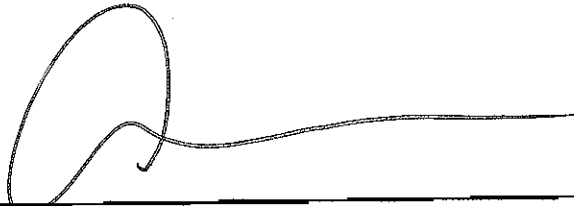
Department of Commerce
Professional Licensing and Regulation Division

FILED 11/13/01 (Date)

Architectural Examining Board

Board/Commission

Signature, Executive Officer

The Iowa Architectural Examining Board



Date 11/13/01

By: Gordon Mills, Chair

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

IN THE MATTER OF:)	
)	CASE NO. 00-13
CHRISTENSEN CONSTRUCTION &)	
DESIGN, COMPANY, INC., an Iowa)	NOTICE OF BOARD'S INTENT
corporation, and STEVEN CHRISTENSEN,)	TO ISSUE ORDER AND
and individual,)	RESPONDENT'S
)	RIGHT TO HEARING
RESPONDENTS.)	

YOU ARE HEREBY NOTIFIED that the Iowa Architectural Examining Board (Board) intends to issue an order pursuant to Iowa Code section 544A.15 (2001) imposing a civil penalty in an amount not to exceed \$1,000.00 per offense per day, based on the following allegations:

1. Respondent, Christensen Construction & Design, Company, Inc. is an Iowa corporation. It's registered agent for service of process is Steven Christensen at 821 S. 28th Street, Estherville, Iowa 51334. Respondent Steven Christensen is also the president of the corporation and one of the persons engaged in design services on behalf of the corporation.

2. Christensen Construction & Design, Company, Inc. does not employ a registered architect. Mr. Christensen is not a registered architect or a licensed professional engineer.

3. In 2000, Respondents prepared plans, specifications and bid documents for an industrial arts addition to the Terril Community School District in Terril, Iowa. The

creation of such technical submissions clearly involves the practice of architecture. See Iowa Code §§ 544A.16(9), (10), (14) (1999). Christensen Construction & Design, Company, Inc. later made a bid on the same project and was awarded the bid. The contract dated July 14, 2000, identifies Christensen Construction & Design, Company, Inc. as the architect on the project. After securing the bid, Respondents received a document sealed by a professional engineer generically describing the standards under which components of the "pre-engineered" building were designed. Respondents did not secure professional design services for a site plan, floor plan or specifications.

4. In 2001, Respondents prepared plans, specifications and bid documents for a technology addition to the Iowa Lakes Community College in Spirit Lake, Iowa. The creation of such technical submissions clearly involves the practice of architecture. See Iowa Code §§ 544A.16(9), (10), (14) (2001).

5. Design services for buildings intended for educational use must be performed by a licensed architect. Iowa Code §§ 544A.1, 544A.15, 544A.18 (1999 & 2001). Educational structures are not among the types of structures which may be designed by persons who are not registered architects. Iowa Code § 544A.18. The above-described educational projects do not include "factory-built buildings" as that term is defined in 193B IAC 1.5. It appears Respondents, in the course of their construction business, routinely provide professional services involving such items as floor plans, Code compliance, mechanical, electrical, equipment, ventilation, plumbing, fire resistivity, handicapped accessibility, and other professional services involving the life, health and safety of the public.

6. Respondents are not authorized to offer or practice architecture as a business entity pursuant to Iowa Code chapter 544A, and in particular, sections 544A.1, 544A.15, 544A.16(1), (9), (10), and 544A.21 (1999 & 2001).

7. Only persons qualified by the laws of Iowa and duly registered may practice architecture in Iowa. Iowa Code §§ 544A.1, 544A.15(1).

8. The practice of architecture includes performing or offering to perform professional architectural services, as defined in Iowa Code section 544A.16.

9. Respondents violated Iowa Code section 544A.15(3)(a)(1) by practicing architecture without a valid Iowa registration.

10. Respondents violated Iowa Code section 544A.15(3)(a)(2) by assuming the title "architect" on an AIA contract without proper registration.

11. Respondents may request a hearing within thirty (30) days of the date this Notice is mailed through restricted, certified mail. A request for hearing must be made in writing to the Board at 1918 SE Hulsizer, Ankeny, Iowa 50021, and will be deemed made on the date of the United States postmark or the date of personal service.

12. If a request for hearing is not timely made, the Board shall issue an order imposing a civil penalty of \$2,000.

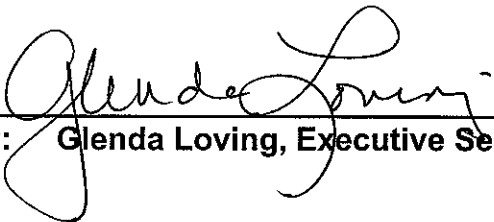
13. If a request for hearing is timely made, a separate notice of hearing shall be issued. The Board will conduct a public hearing in the manner applicable to disciplinary cases against registered architects. If the Board finds the evidence at hearing establishes the allegations by a preponderance of the evidence, the Board may impose a civil penalty in an amount not to exceed \$1,000.00 for each offense, which if supported by the evidence

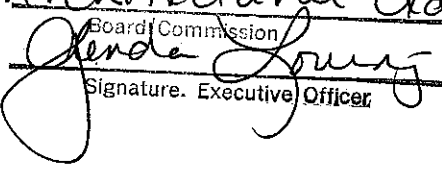
may exceed \$2,000, as each day of a continued violation constitutes a separate offense.

14. If a civil penalty is imposed and not paid within thirty days of entry of the order, the Board shall notify the Attorney General and the Attorney General may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs.

Issued this 6th day of June, 2001.

The Iowa Architectural Examining Board


By: **Glenda Loving, Executive Secretary**

Department of Commerce
Professional Licensing and Regulation Division
FILED 6 June 2001 (Date)
Architectural Examining
Board/Commission

Signature, Executive Officer