BEFORE THE ARCHITECTURAL EXAMINING BOARD OF THE STATE OF IOWA

| IN THE MATTER OF: |) |
|--|--------------------------------------|
| James A. Dyck, RESPONDENT The Architectural Partnership 206 S. 13 th Ste 906 Lincoln, NE 68509 |) Case No. 04-18))) CONSENT ORDER |
| |))) |

The Iowa Architectural Examining Board (Board) and James Dyck (Respondent) enter into this Settlement Agreement and Consent Order (Order), pursuant to Iowa Code section 17A.10 (2003) and 193 IAC 7.4:

- 1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 544A, and 272C (2003).
- 2. Respondent is a registered architect in the state of Iowa. His registration lapsed on June 30, 2002. Respondent agrees he performed architectural services in Iowa after his registration lapsed. Respondent reinstated his lapsed on registration on October 13, 2004.
 - 3. A Statement of Charges will be filed simultaneously with this Consent Order.
- 4. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights by freely and voluntarily entering into this Agreement. The Consent Order is the final agency order in the contested case.
- 5. This Agreement shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.
- 6. This Agreement and the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2003).
- 7. Failure to comply with the provisions of this Agreement shall be grounds for disciplinary action pursuant to lowa Code section 272C.3(2)(a) (2003). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.
 - 8. This Agreement 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. Reprimand

Respondent is reprimanded for practicing architecture with a lapsed registration.

B. <u>Civil Penalty</u>

Respondent shall pay a \$1000.00 civil penalty no later than December 31, 2004.

C. Remedial Orders

(1) By November 30, 2004, Respondent shall mail written notice to South Tama County Community School District for whom he performed architectural services in the state of Iowa after June 30, 2002 and prior to his reinstatement on October 13, 2004. The notice shall advise the client that Respondent's registration was lapsed when the services were provided. Copies of the letters shall be submitted to the Board no later than December 15, 2004.

D. <u>Future Compliance</u>

Respondent shall in the future adhere to all statutes and administrative rules in the practice of architecture.

AGREED AND ACCEPTED:

The Respondent

The Iowa Architectural Examining Board

James A. Dyck, Respondent

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Date

Jenrey Morgan, President

01.11.05

Date

Department of Commerce

Professional Licensing and Regulation Division

A Board i Commission

Signature. Executive Officer

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| IN THE MATTER OF: |) |
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| James A. Dyck, RESPONDENT The Architectural Partnership 206 S. 13 th Ste 906 Lincoln, NE 68508 |) 04-18) STATEMENT OF CHARGES) |

COMES NOW the complainant, Glenda Loving, and states:

- The Complainant is the Executive Officer of the Iowa Architectural
 Examining Board and files these charges solely in her official capacity.
- 2. The Board has jurisdiction of this matter pursuant to Iowa Code chapter 17A, 272C, and 544A(2003).
- 3. The Board issued the Respondent, James A. Dyck, Iowa registration number 05052, on July 6, 1999.
- Respondent's registration lapsed on June 30, 2002. The registration was reinstated on October 13, 2004.
- 5. Respondent continued to perform architectural services in lowa as defined in lowa Code section 544A.16 and held himself out as an architect in lowa while his registration had lapsed.

COUNT 1

Respondent is charged with unethical conduct and a practice harmful or detrimental to the public in violation of Iowa Code sections 272C.10(3), 544A.1, and 544A.10, 544A.13(3), 544A.15(1), 544A.29 (2003) and 193B IAC 4.1(5)(c),

when he practiced architecture and held himself out as an architect while his registration had lapsed.

WHEREFORE, the complainant prays that a hearing be held in this matter and that the Board take such action as it deems appropriate under the law.

Glenda Loving, Executive Offi

FINDING OF PROBABLE CAUSE

On November 9, 2004, the Iowa Architectural Examining Board found probable cause to file this Statement of Charges and to order a hearing be set in this matter.

Jeffrey Morgan, President

Department of Commerce
Professional Licensing and Regulation Division

Board/Commission

signature. Executive Officer