

FILED 11/9/04 (Date)

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

Arch. Examinng
Board / Commission

Shirley Jones
Signature, Executive Officer

IN THE MATTER OF:)

Sanjay Jani)
Akar Architecture & Design)
4 S. Linn Street)
Iowa City IA 52240)

Respondent.)

Case No. 04-17

CONSENT ORDER

The Iowa Architectural Examining Board (Board) and Sanjay Jani (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, 2004. Respondent agrees he performed architectural services in Iowa after his registration lapsed. Respondent reinstated his lapsed on registration on September 17, 2004.
3. Respondent failed to comply with continuing education requirements as required by 193B IAC 3.1(2).
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 Iowa 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 on a lapsed registration and failure to comply with continuing education requirements.

B. Civil Penalty

Respondent shall pay a \$1250.00 civil penalty (\$1000.00 for practicing architecture on a lapsed registration and \$250.00 for failure to comply with continuing education requirements) no later than December 31, 2004.

C. Remedial Orders

(1) By November 15, 2004, Respondent shall mail written notice to all clients for whom he performed architectural services in the state of Iowa between July 1, 2004 and September 17, 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 31, 2004.

(2) Respondent shall recertify and reseal, as applicable, all documents certified or sealed while his registration was expired. Respondent shall provide proof of compliance no later than January 31, 2005.

(3) Respondent shall complete 32 hours of continuing education, that includes 32 hours in public protection subjects by December 31, 2004. Documentation of the completion of the education shall be submitted to the board office on or before January 31, 2005. These hours may include the 16 hours in public protection previously reported but will none of the hours shall apply to the next renewal reporting period.

D. Future Compliance

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

AGREED AND ACCEPTED:

The Respondent

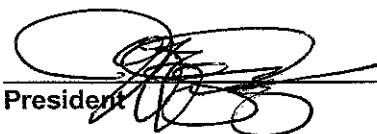


Sanjay Jani

Oct. 12, 2004.

Date

The Iowa Architectural Examining Board



President

November 09, 2004

Date

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

IN THE MATTER OF:)	
)	
Sanjay Jani)	CASE NO. 04-17
Akar Architecture & Design)	STATEMENT OF CHARGES
4 S. Linn Street)	
Iowa City IA 52240)	

COMES NOW the complainant, Glenda Loving, and states:

1. 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, Sanjay Jani, Iowa registration number 03596 on September 8, 1995.
4. Respondent's registration lapsed on June 30, 2004. The registration was reinstated on September 17, 2004.
5. Respondent continued to perform architectural services in Iowa and held himself out as an architect in Iowa while his registration had lapsed.
6. On September 17, 2004, the Respondent submitted an Application for Reinstatement indicating the completion of 54 contact hours of continuing education that included 16 contact hours of public protection subjects. 193B IAC—3.1(2)(a) requires that within an 24 month biennial renewal period during which 24 contact hours of continuing education must be acquired, at least 16 contact hours shall be in public protection subjects acquired in structured educational activities. In the case of the Respondent the hours should have been earned from July 1, 2002 to June 30, 2004. Of the hours reported by the Respondent 38 hours were earned prior to June 30, 2004, of which 00 hours were public protection subjects. The remainder of the hours reported (16) in public protection subjects were reported as earned on August 31, 2004, after the June 30, 2004 deadline date.

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.

COUNT 2

Respondent is charged with failure to comply with the continuing education requirements in violation of Iowa Code sections 272C.2, 544A.10 and 193B IAC 3.1(2), when he failed to earn the required (16) contact hours in public protection subjects during the 24-month period prior to his June 30, 2004 renewal date.

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 Officer

FINDING OF PROBABLE CAUSE

On September 29, 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