

BEFORE THE ARCHITECTURAL EXAMINING BOARD  
OF THE STATE OF IOWA

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IN THE MATTER OF:	)	DIA NO. 90IAEB-1
	)	CASE NO. 89-03
ARTHUR L. KOFFRON	)	
Iowa Registration No. 1750,	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
Respondent	)	AND DECISION AND ORDER

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To: Arthur L. Koffron:

A Complaint was filed by K. Marie Thayer, Executive Secretary of the Iowa Architectural Examining Board (hereinafter the Board), on March 13, 1990. An Order and Notice of Hearing were also issued on March 13, 1990. In an Order dated June 12, 1990, the hearing for the case was continued. The hearing on the Complaint was held on Monday, August 20, 1990 in hearing room A/B, Offices of Professional Licensure, Iowa Department of Commerce, Ankeny, Iowa. The Respondent, Arthur L. Koffron, appeared and was represented by his attorney, Richard Moore. John Parmeter, Assistant Attorney General, appeared on behalf of the State. The following members of the Board were present: Barbara T. Welander, Gwendolyn M. Boeke, William Dikis, Ruth M. Roberts, James W. Wilkins, Kenneth J. Steffen, and Richard W. Pattschull. However, Board members Kenneth J. Steffen and Richard W. Pattschull withdrew from participation and did not participate in the hearing itself or in the decision made by the Board. Present also were staff of the Board. The undersigned Administrative Law Judge from the Iowa Department of Inspections and Appeals presided, and was instructed to prepare this Findings of Fact, Conclusions of Law, and Decision and Order. At the hearing, the Respondent requested that the hearing be closed to the public pursuant to Iowa Code Section 258A.6(1) (1989). Therefore, the hearing was closed to the public.

THE RECORD

The evidentiary record in this case includes the above Notice and Orders, the recorded testimony of the witnesses, State's Exhibits 1, 2, 3, 5, 7, 8, and 9; and Respondent's Exhibits A through Z.

FINDINGS OF FACT

1. The owners of the Pleasant View Home in Kalona, Iowa hired Dave Yoder, d/b/a Yoder Design Service, to draft initial drawings for a remodeling project at the Pleasant View Home. Mr. Yoder is not a registered architect, engineer, or other licensed professional in Iowa. After Mr. Yoder drafted the initial drawings, he sought the assistance of Van Winkle and Hart Engineering in Iowa City, Iowa. Mr. Yoder brought the plans and specifications to them for their assistance with structural

engineering. Mr. James Jacob is an engineer who works for Van Winkle and Hart. Mr. Norman Rudi is an architect who acted as an investigator for the Board in this case. (testimony of Norman Rudi, James Jacob, Arthur Koffron; State's Exhibit 1)

2. Sometime between February 6, 1989 and mid-May of 1989, Van Winkle and Hart Engineering came to the Respondent, Mr. Arthur Koffron, and asked him to review plans on the project prepared by Mr. Yoder. (testimony of Mr. Koffron, Mr. Jacob, Mr. Rudi)

3. The basic drawings for the Pleasant View Home were essentially completed by Dave Yoder prior to the time he brought the drawings to either Van Winkle and Hart Engineering or Mr. Koffron. They were not done in a professional manner and lacked conformity with multiple engineering and architectural requirements at the time they were brought to Van Winkle and Hart Engineering and Mr. Koffron. Pages G1 through G10 and M1 through M3 of the drawings were all originally prepared by Mr. Yoder. (testimony of Mr. Rudi, Mr. Jacob, Mr. Koffron; State's Exhibit 1; Respondent's Exhibit M)

4. Arthur Koffron is an architect. Mr. Koffron's architectural firm is named KNV Architects - Planners, Inc. It is located in Iowa City, Iowa. As of July 3, 1989, KNV Architects - Planners, Inc. had spent 6.5 hours on drawing and specification coordination and review of the Pleasant View Home plans. Mr. Koffron reviewed the plans which had been essentially completed by Mr. Yoder. He and his firm spent 6.5 hours reviewing those plans, and making suggestions for changes so that the plans would conform to applicable Codes. (testimony of Mr. Rudi, Mr. Koffron; State's Exhibit 5)

5. On June 30, 1989, Van Winkle and Hart Engineering submitted the Pleasant View plans contained in State's Exhibit 1 and specifications to the state fire marshal's office and requested a variance for the requirement that one room have two exits. The plans submitted contain Mr. Koffron's architectural seal and signature under the following certification: "The portion of the technical submission described below has been prepared under the direct supervision and responsible charge of the undersigned." The pages covered by the seal were listed as "G1 through G10, M1 through M3." Mr. Koffron's submission in June to the State fire marshal's office did not contain his original signature, but rather was a copy of a signature he had previously made. The specifications were not sealed. (testimony of Mr. Jacob, Mr. Koffron, Mr. Rudi; State's Exhibits 1, 2; Respondent's Exhibit E)

6. 6.5 hours, the amount of time Mr. Koffron's firm spent on the project as of July 3, 1989, is an inadequate number of hours for Mr. Koffron to have been able to directly supervise the preparation of the plans contained in State's Exhibit 1, and is an inadequate number of hours for the plans to have been able to have been prepared under the direct supervision and responsible

charge of Mr. Koffron. (testimony of Mr. Rudi; State's Exhibits 1, 5)

7. On July 17, 1989, Mr. Koffron's firm submitted a second bill for 2.5 hours of drawing time for the Pleasant View Home project. It is possible that this 2.5 hours would have been spent on the drawings prior to their submission to the fire marshal's office on June 30, 1989. If that had been the case, the total number of hours spent by Mr. Koffron's firm on the Pleasant View Home project would have been nine hours prior to the submission of the plans to the state fire marshal's office on June 30, 1989. Nine hours is an inadequate amount of time for Mr. Koffron and his firm to have spent on the plans in order for them to have been prepared under Mr. Koffron's direct supervision and responsible charge. (testimony of Mr. Rudi; State's Exhibit 5)

8. Mr. Koffron and Mr. Jacob testified that the reason the plans were submitted to the state fire marshal's office on June 30, 1989, even though the engineers and the architect believed that the plans were not entirely complete and a variance would not be granted, was to prove to the owners that a variance would not be granted. The Board views this testimony with some suspicion. Even if the testimony were true, the plans submitted to the state fire marshal's office on that date contained the seal and signature of Mr. Koffron and the certification that the plans had been prepared under the direct supervision and responsible charge of Mr. Koffron. (testimony of Mr. Rudi, Mr. Koffron, Mr. Jacob; State's Exhibit 1)

9. Respondent's Exhibit M contains the drawings prepared by Dave Yoder as they were when they were originally brought to Mr. Koffron. (testimony of Mr. Koffron; Respondent's Exhibit M)

10. Respondent's Exhibits M, N and O are three versions of the plans for the Pleasant View Home. Exhibit M is the set of plans as drawn by Mr. Yoder when first brought to Mr. Koffron. Exhibits M, N and O all contain notes and changes which Mr. Koffron and his architectural firm made on the plans. Exhibit O is the set of plans as of June 30, 1989. Exhibit O has the same date of issuance, June 30, 1989, as State's Exhibit 1. However, Exhibit O has pages M1 through M3 marked out and a note "Get engineering seal before sending out." Both Exhibit O and Exhibit 1 contain Arthur L. Koffron's architectural seal and signature. Mr. Koffron testified that his seal and signature were put on the plans as of June 30, 1989 inadvertently. The Board views this testimony with some skepticism. Even if Mr. Koffron did not intend to seal and sign the plans on June 30, 1989 when the plans went out under his signature and seal, it was extremely careless use of Mr. Koffron's seal and signature. Mr. Koffron testified that his ordinary practice is to block out his seal and signature when plans are submitted which are not intended to be final. However, there is no question that in this case, when the plans were submitted to the state fire marshal's office on June 30,

1989, Mr. Koffron's seal and signature were not blocked out. There is no question that from the appearance of the document itself, it was a final submission with an architectural seal and signature as of June 30, 1989. (testimony of Mr. Rudi, Mr. Koffron, Mr. Jacob; State's Exhibit 1; Respondent's Exhibits M through O, U, V, W, X, Y)

11. Mr. Koffron recognized that his prior practice of placement of signed seal on a reproducible document is not a good business practice and has modified that office procedure. The Board agrees it is an irresponsible practice to place a signed seal in a manner which allows it to be used without the control of the architect. A seal may be placed on a reproducible document, but the signature must be original to each document. (testimony of Mr. Koffron)

12. Mr. Koffron and Mr. Jacob testified that they did not intend that the drawings and specifications submitted to the state fire marshal's office were to be the final documents for the project. The Board does not believe this testimony for several reasons. A letter in February stated that the engineers and Mr. Koffron would be reviewing plans prepared by Mr. Yoder; the plans were signed and sealed; they were submitted for a variance; a minimal number of hours were billed for immediately after the submission; and the drawings as submitted by Mr. Yoder were not substantially changed by Mr. Koffron prior to submission. The Board can fairly infer from these facts that at the time of submission, Mr. Koffron and the engineers felt the amount of work remaining to revise the plans to accommodate the variance would be minimal. (testimony of Mr. Koffron, Mr. Jacob; State's Exhibits 1, 5; Respondent's Exhibits A, M)

13. On July 13, 1989, the Iowa Department of Public Safety sent a letter to James Jacob of Van Winkle and Hart Engineering. In the letter, Mr. Steven Boggess, Building Plans Examiner, Iowa State Building Code Bureau, Iowa Department of Public Safety, stated to Mr. Jacob that Iowa Code section 118.28 (1989) "prohibits our acceptance or approval of the plans and specifications submitted. No one signed the specifications and it appears that Mr. Koffron is accepting architectural responsibility for drawings prepared by Yoder Design." The letter went on to reject the plans for a number of reasons. (testimony of Mr. Jacob; Respondent's Exhibit E)

14. On July 25, 1989, Charles Dales, Special Investigator for the Iowa Department of Inspections and Appeals, began an investigation of this case for the Architectural Examining Board. On July 25, 1989, Mr. Dales talked with James Jacob regarding the project. On July 28, 1989, Mr. Dales talked with Mr. Koffron regarding the project. On that date, Mr. Dales requested a written explanation regarding the project from Mr. Koffron. On August 15, 1989, Mr. Koffron sent his explanation to Mr. Dales. Both Mr. Koffron and Mr. Jacob testified that they did not know that Mr. Dales was investigating Mr. Koffron. However, Mr.

Koffron and the engineering firm must have known Mr. Dales was investigating either Mr. Koffron, or the engineering firm, or Mr. Yoder.

Mr. Boggess sent a letter rejecting the plans and stating that it appeared Mr. Koffron was accepting architectural responsibility for drawings prepared by Mr. Yoder. The fact that Mr. Dales requested further explanation from Mr. Koffron but not Van Winkle and Hart or Mr. Yoder would have lead them to believe that Mr. Koffron was the focus of the investigation. Therefore, sometime between July 28, 1989 and August 15, 1989, it must have become apparent to Mr. Koffron that he was under investigation by the Board. (testimony of Mr. Koffron, Mr. Jacob, Mr. Rudi; State's Exhibit 3; Respondent's Exhibits E, G)

15. Between July 17, 1989 and December 4, 1989, Mr. Koffron's architectural firm spent a total of 123.5 hours on the Pleasant View Home project. The Board believes this increased level of effort was the direct result of the investigation by the Board which led Mr. Koffron to realize he needed to take a more thorough approach to the drawings and specifications. Some effort was due to the denial of the variance by the State. However, this does not entirely account for the increased level of activity. (testimony of Mr. Koffron; Respondent's Exhibit K; State's Exhibit 5)

16. Respondent's Exhibit O contains the plans as of July 28, 1989. Respondent's Exhibit P contains the plans as of September 21, 1989. Respondent's Exhibit Q contains the plans as of October 21, 1989. Respondent's Exhibit T contains the plans with the areas in which Mr. Koffron's firm made changes highlighted in red. (testimony of Mr. Koffron; Respondent's Exhibits O, P, Q and T)

17. Mr. Koffron ultimately stated that pages G1 through G10 had been prepared under his direct supervision and responsible charge. The great majority of the graphic information consisting of lines, symbols and written text on the drawings were placed there by Mr. Yoder before he submitted the drawings to Mr. Koffron. Although some changes were made to the plans because of the review by Mr. Koffron and his firm, the final plans as shown in Exhibit T are remarkably similar in general design to the plans as originally submitted to Mr. Koffron by Mr. Yoder. At the time Mr. Koffron sealed and signed the drawings, the drawings as of June 30, 1989 were not prepared under Mr. Koffron's direct supervision and responsible charge. The drawings as of September 21, 1989 were not prepared under Mr. Koffron's direct supervision and responsible charge. (testimony of Mr. Rudi, Mr. Koffron; State's Exhibit 1; Respondent's Exhibits M, T, Q)

18. Respondent's Exhibit B contains a copy of the specifications as originally submitted to Mr. Koffron, together with Mr. Koffron's comments and suggestions for necessary changes. The date of this initial work done by Mr. Koffron was June 13,

1989. Mr. Koffron and his firm made significant changes to the specifications between July 17, 1989 and September 29, 1989. The Board believes the decision to treat the specifications in a more comprehensive manner was caused by the Board's investigation. (testimony of Mr. Rudi, Mr. Koffron; Respondent's Exhibits B, R)

19. 123.5 hours is not an adequate number of hours to spend on a project of this size for there to have been direct supervision and responsible charge by Mr. Koffron.

20. Although Mr. Koffron made changes to the drawings and specifications, the changes were insufficient to qualify the technical submissions as a whole as being prepared under his direct supervision and responsible charge.

21. An architect's review of drawings prepared by a nonprofessional draftsman does not constitute direct supervision and responsible charge.

22. From his testimony at the hearing, it appears Mr. Koffron incorrectly interpreted proper use of his architectural seal. Placement of the architectural seal on technical submissions is not used to show state officials and others that an architect is involved with a project; nor is it used to ensure compliance with applicable codes. Placement of the architectural seal is used to show that the architect has had the exercising, directing, guiding and restraining power over the design of the structure and the preparation of the documents. With the use of the seal and signature, there is an implication that the architect has been involved in the hundreds of decisions made in the project from the very beginning, and has been involved in the evolution of the project from beginning to end. Involvement from the beginning of the project helps to ensure that mistakes which could later cause harm to the public will be identified and corrected. Mere review of plans prepared by a nonprofessional does not provide an adequate degree of assurance that mistakes will be detected.

23. The Board does not dispute that Mr. Koffron's involvement made the project better to a certain degree. The Board is not critical of the work Mr. Koffron contributed, but rather that he was taking responsibility for work prepared by someone else for which he had had no input. The relatively minor changes Mr. Koffron made to the project were improvements to the project. However, Mr. Koffron acted as a consultant to this project rather than as direct supervisor or person in responsible charge. As such, he should not have placed his seal and signature on the project.

24. Mr. Koffron has had no prior disciplinary action taken against him.

CONCLUSIONS OF LAW

1. Iowa Code section 118.28 (1989) states the following, in part:

. . . An architect shall not impress the architect's seal on technical submissions if the architect was not the author of the technical submissions or if they were not prepared under the architect's direct supervision and responsible charge.

2. Iowa Code section 118.16(5) (1989) states:

'Direct supervision and responsible charge' means an architect's personal supervisory control of work as to which the architect has detailed professional knowledge. In respect to preparing technical submissions, 'direct supervision and responsible charge' means that the architect has the exercising, directing, guiding, and restraining power over the design of the building or structure and the preparation of the documents, and exercises professional judgment in all architectural matters embodied in the documents. Merely reviewing the work prepared by another person does not constitute 'direct supervision and responsible charge' unless the reviewer actually exercises supervision and control and is in responsible charge of the work.

3. 193B Iowa Administrative Code 4.1(5)(b) states in part the following: "An architect shall not sign or seal drawings, specifications, reports or other professional work for which the architect does not have direct professional knowledge and direct supervisory control; . . .".

4. 193B Iowa Admin. Code 4.1(6) regulates the use of the architectural seal and certificate of responsibility. Subsection 4.1(6)(e) states, in part, that "The information requested in each information block must be typed or legibly printed in permanent black ink except the signature shall be an original signature in permanent black ink."

5. Mr. Koffron violated Iowa Code section 118.28 (1989) and 193B Iowa Admin. Code 4.1(5)(b) and 4.1(6)(e) on June 30, 1989 when Van Hart submitted the drawings for the Pleasant View Home as shown in State's Exhibit 1 to the State Fire Marshal's office with Mr. Koffron's seal and signature.

6. Mr. Koffron violated Iowa Code section 118.28 (1989) and 193B I.A.C. 4.1(5)(b) and 4.1(6)(e) when he sealed and signed the final drawings and specifications for the Pleasant View Home on September 21, 1989.

7. 193B Iowa Admin. Code 5.1(1) lists the disciplinary actions available to the Board if it finds a violation of Board rules or statutes.

DECISION AND ORDER

In the spring of 1989, Mr. Koffron received a substantially complete set of drawings prepared by Dave Yoder, a nonprofessional. On approximately June 30, 1989, Mr. Koffron sealed and signed the drawings as having been prepared under his direct supervision and responsible charge. Mr. Koffron and Van Winkle and Hart Engineering submitted the sealed and signed drawings to a public official. Mr. Koffron had not prepared the drawings, nor had they been prepared under Mr. Koffron's direct supervision and responsible charge. On September 21, 1989, Mr. Koffron sealed and signed drawings and specifications which he had not prepared, and which had not been prepared under his direct supervision and responsible charge. As such, Mr. Koffron violated Board rules and the Code of Iowa.

Mr. Koffron also violated a Board rule when he did not sign each document with an original signature. The purpose of the rule is significant, for it concentrates control of the use of the seal in the hands of the architect.

The Board's duty is to guard the health, safety and welfare of the public. It is a serious violation to seal and sign documents substantially completed by an unsupervised nonprofessional.

It is therefore the ORDER of the Iowa Board of Architectural Examiners that registration number 1750 issued to Arthur L. Koffron is hereby placed on probation for a period of one year from the date of issuance of this Order under the following terms and conditions:

1. Mr. Koffron will write a policy statement for his office regarding proper use of his architectural seal and signature, and regarding safeguarding the use of his seal. Within thirty (30) days of the issuance of this Order, Mr. Koffron will submit a copy of the policy to the Board for approval. This will include a written list of steps he will take to inform his staff of the policy.
2. Board members or the Board's designee may make visits to inspect Mr. Koffron's office records during the period of probation, and Mr. Koffron will cooperate with these inspections and will cause his staff to cooperate with these inspections.
3. Mr. Koffron will obey all federal and state laws and regulations substantially related to the practice of architecture.
4. Mr. Koffron will report to the Board or its designee quarterly. Said report will be in writing and will list all projects Mr. Koffron is working on by project and client name, and by project location. If any probation report is

not made as directed, the period of probation will be extended until such time as all reports are made.

Should the Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and impose appropriate discipline. Appropriate discipline may include suspension or revocation. If a petition to revoke probation is filed during the period of probation, the Board has continuing jurisdiction until the matter is final, and the period of probation is extended until the matter is final.

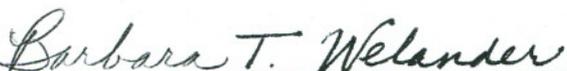
It is the further ORDER of the Iowa Board of Architectural Examiners that the staff of the Board will issue a written reprimand to the Respondent as follows:

With regard to the specific charge against you, the Board has found that you affixed your professional seal on documents which were not prepared by you nor prepared under your direct supervision and responsible charge. The Board finds this to be a serious violation of Board rules and the Code of Iowa.

We find your general office procedures with regard to care of your professional seal to be lax. You have carelessly guarded the possession and use of your professional seal. Licensure as an architect is a privilege, and requires responsible use of your professional seal. The Board requires you to take steps to safeguard its use and to use it carefully.

It is the obligation of registered architects not to aid and abet unlicensed people in their attempts to practice architecture. Misuse of the architectural seal results in the practice of architecture by unlicensed persons, and thus the Board views misuse of the seal as a serious violation of Board statutes and rules.

Dated this 13<sup>th</sup> day of November, 1990.



Barbara T. Welander, Architect  
President, Iowa Architectural Examining Board



Amy Christensen Couch  
Administrative Law Judge



3. The Board declines to adopt the definition of "project" proposed by the respondent.

For the purposes of this Decision and Order, the term "project" means any undertaking that receives architectural services and is used broadly. The board has previously interpreted the Iowa Code section 118.28 seal requirement to include all technical submissions prepared by an architect or under an architect's direct supervision and responsible charge. The architect is not relieved of the seal requirement for those buildings excepted under Iowa Code section 118.18. The Board will send under separate cover a copy of informal advice (dated 09-08-89) provided by the Attorney General's office to the Board on the issue of whether an architect is required to sign and seal technical submissions of buildings which are excepted under Iowa Code section 118.18.

4. The Board denies the Application for Rehearing.
5. The Board incorporates the Findings of Fact, Conclusions of Law and Decision and Order issued on November 13, 1990, by reference as if fully set forth herein. A copy of said Decision is attached.
6. The Board considers this Amendment date as the date of Final Action for the Findings of Fact, Conclusions of Law and Decision and Order in Case 89-03.

Dated this 27 day of December, 1990.

Barbara T. Welander  
Barbara T. Welander, Architect  
President  
Iowa Architectural Examining Board

cc: Richard P. Moore  
John Parmeter