

FILED 3/9/10 (Date)

BEFORE THE ARCHITECTURAL EXAMINING BOARD  
OF THE STATE OF IOWA

*Ann. Examining*  
Board / Commissioner  
*Glenda Jones*  
Signature, Executive Officer

IN THE MATTER OF:	)	
	)	
John Winkel	)	Case No. 08-12
Winkel Design Forum	)	
3801 River Ridge Dr NE	)	CONSENT ORDER
Cedar Rapids IA 52402	)	
	)	
Respondent	)	

The Iowa Architectural Examining Board (Board) issued the attached Notice pursuant to Iowa Code section 544A.15 (2009) advising Respondent of its intent to impose a civil penalty. The Board and Respondent agree to the entry of the following Consent Order which, if fully satisfied, will resolve all issues in this case without hearing:

1. Respondent, John Winkel, dba/ Winkel Design Forum agrees that he designed Blessed Hope Church, Vinton that is more than two thousand square feet in gross floor area.
2. Respondent now understands such services must be provided by a registered architect or professional engineer unless an exception delineated in Iowa Code section 544A.18 applies.
3. Rather than proceed immediately to hearing, Respondent agrees to retain, at his expense, a registered architect to be pre-approved by the Board, to complete a written report submitted within ninety (90) days of the entry of this Order reviewing the extent to which the structure as designed and constructed satisfies health, life, safety and welfare concerns including but not limited to the following:
  - (a) Compliance with applicable Code requirements;
  - (b) Structural compliance; other than the matters covered by plans which might have been certified by a professional engineer;
  - (c) Mechanical, ventilation; plumbing, and electrical compliance;
  - (d) Fire resistivity;
  - (e) Handicap accessibility; and,
  - (f) Proper ingress and egress patterns.

The board has offered this option in an effort to ensure that the structure as designed and constructed appropriately serves the public interest. Additionally, it is the first occasion that this Respondent has come before the board.

4. Respondent agrees to submit the name of a registered architect for approval within thirty (30) days of this Order. The architect's written report shall be submitted to the

Board within ninety (90) days of the date of this Order.

5. The Board shall consider the matter fully resolved if (1) the report concludes that the design of the building as constructed satisfies applicable health, life, safety, and welfare concerns, or (2) the Respondent takes all steps reasonably needed to comply with the recommendations of the final report within thirty (30) days of the report. Verification of compliance shall be supplied through follow-up report submitted to the Board by the architect retained by the Respondent within sixty (60) days of the original report, if applicable. The Board will consider all reasonable requests for extensions if timely made and supported by adequate demonstration of good faith compliance. If the Respondent does not demonstrate adequate good faith compliance, the Board may declare a default and set the case for hearing and determination of whether to impose a civil penalty or take such other actions as are allowed by law.

6. Respondent has a right to a hearing on imposition of civil penalties, but waives the 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. If, however, the Board declares a default, pursuant to paragraph 5, the Board will set a hearing on the imposition of a civil penalty.

7. Respondent agrees the State's counsel may present this Order to the Board and may have ex parte communications with the Board while presenting it.

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

9. This Order and the Notice of the Board's Intent to Issue Order are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2005).

10. This Order is subject to approval by the Board:

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

(b) If the Board approves this Order, it shall fully dispose of all issues in this case, subject to the terms of paragraph 5.

**IT IS THEREFORE ORDERED:**


(A) Respondent shall comply with the provisions of this Order. If compliance is satisfactory, no civil penalty will be assessed against the Respondent.

(B) Respondent and employees, will in the future refrain from engaging in the

practice of architecture in Iowa, as defined by Iowa Code section 544A.16(9), or representing to the public any availability or authority to do so without authorization as an architectural firm or, if applicable, individual registration to practice architecture

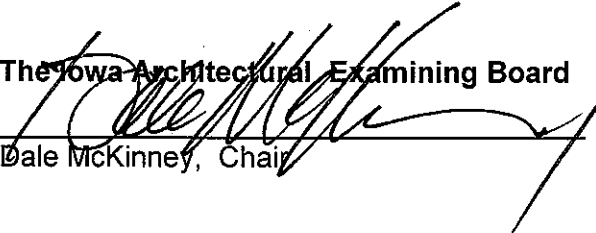
**AGREED:**

John Winkel, Winkel Design Forum

  
Date 02-10-10

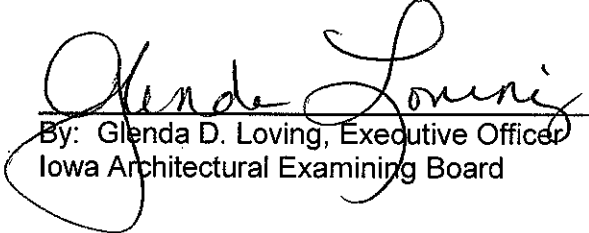
By: John Winkel

The Iowa Architectural Examining Board

  
Date March 9, 2010

Dale McKinney, Chair

Issued this 14<sup>th</sup> day of January, 2010.

  
By: Glenda D. Loving, Executive Officer  
Iowa Architectural Examining Board