

FILED 3/20/2012 (Date)

**BEFORE THE IOWA LANDSCAPE ARCHITECTURAL  
EXAMINING BOARD**

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Board / Commission

[Redacted Signature]

Signature, Executive Officer

**IN THE MATTER OF:**

**Theodore J. Lare**

**Respondent.**

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**CASE NO. 11-01  
CONSENT ORDER**

**A. Statement of Charges**

1. The Iowa Landscape Architectural Examining Board ("Board") has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 544B.
2. Respondent was issued Iowa registration number 00031 on May 4, 1976. Respondent claims not to have received notification of renewal of his Iowa registration, thus his registration lapsed on June 30, 2007. Respondent has applied to reinstate his registration and no impediments to reinstatement exist.
3. Respondent continued to practice landscape architecture while his registration was lapsed. In particular, he represented himself as a landscape architect.
4. The Board charges Respondent with practicing landscape architecture and holding himself out as a professional landscape architect after his registration lapsed, in violation of Iowa Code section 544B.15(3) and 193D IAC 2.8(5) ("A registrant who continues to practice landscape architecture in Iowa after registration has expired shall be subject to disciplinary action.").
5. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order.

**B. Settlement Agreement and Consent Order**

6. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order. This Consent Order constitutes the final agency order in the contested case, pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.
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 Respondent and shall be considered by the Board in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations.

9. This Combined Statement of Charges and Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2011).

10. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

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. Reprimand.** Respondent is reprimanded for practicing landscape architecture on a lapsed registration.

**B. Remedial Action.** If Respondent sealed any landscape architectural designs or specifications while his registration was lapsed, as provided in Iowa Code section 544B.12 and 193D IAC 4.1(7), he shall reseal all such documents as soon as his registration is reinstated and he shall provide the Board with a list of resealed designs and specifications within thirty (30) days of the date this Consent Order is signed by all parties. If Respondent did not seal any such documents while his registration was lapsed, he shall provide a written statement to the Board asserting that fact within thirty (30) days of the date this Consent Order is signed by all parties. Respondent shall not in the future practice landscape architecture unless he holds an active registration as a professional landscape architect in Iowa.

**AGREED AND ACCEPTED:**



Theodore J. Lare

Date 1/6/2012

The Iowa Landscape Architectural Examining Board



By: Mark Kipplinger, PLA, Chair

Date 3/20/12