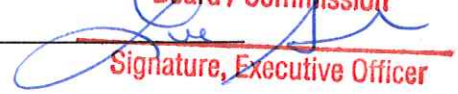


FILED 12/22/17 (Date)

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

Architecture
Board / Commission


Signature, Executive Officer

IN THE MATTER OF:)
)
Nathan Kalaher)
Architect registration 06265)
)
Respondent.)
)

Case No. 17-05

ORDER

On July 11, 2017, the Iowa Architectural Examining Board (Board) and Nathan Kalaher (Respondent) entered a Statement of Charges and Consent Order in Disciplinary Case (Consent Order) pursuant to Iowa Code sections 17A and 272C.3(4) (2017) and Iowa Administrative Code rule 193B—3.3(3)). Due to the presentation of new information to the Board, the Board enters the following supplemental order:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 544A, and 272C (2017).
2. The Respondent is a licensed Iowa architect.
3. The original Consent Order imposed certain penalties and required additional continuing education for failure to comply with the mandatory continuing education requirements for renewal of Respondent's architecture license in accordance with Iowa Administrative Code rule 193B—3.3(1).
4. On August 1, 2017, Respondent wrote the Board and provided evidence in support of his claim that he had in fact complied with the continuing education requirements of renewal although he did not previously provide the Board documentation of the required continuing education hours and therefore had signed the Consent Order in error.
5. The Board reviewed the new information and concluded that had Respondent provided the information to the Board in advance of signing the Consent Order, the case would have been dismissed. Respondent provided the information after he signed the Consent Order and it is accordingly not possible at this point to vacate the earlier Consent Order. Respondent has already paid the civil penalty and has otherwise complied with the Consent Order.
6. The Board voted unanimously to issue this order to provide a public record that the Respondent signed the earlier Consent Order in error.

IT IS THEREFORE ORDERED

The Board supplements the Consent Order previously entered in this case to provide a public record of the Respondent's compliance with Iowa law in a manner, that, had such information been timely disclosed, would have avoided the basis for charges in this action.

Iowa Architectural Examining Board



Jerry Purdy, Vice President



Date

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

Department of Commerce
Professional Licensing Bureau
FILED 7/11/17 (Date)
Architecture
Board / Commission
[Signature]
Signature, Executive Officer

IN THE MATTER OF:) Case No. 17-05
)
)
Nathan Kalaher)
Architect registration 06265) **STATEMENT OF CHARGES**
) **AND CONSENT ORDER IN**
Respondent.) **DISCIPLINARY CASE**
)

A. Statement of Charges

1. The Iowa Architectural Examining Board (“Board”) has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 544A (2017).
2. Respondent is currently a registered architect whose registration expires on June 30, 2018.
3. On or about June 15, 2016, Respondent renewed his registration, which included submitting a form to the Board certifying he had completed the required 24 hours of continuing education for the previous biennium, per Iowa Administrative Code rule 193B—3.3(3).
4. In January 2017, Respondent was selected for a continuing education audit and submitted verification of completion of 23 of the 24 required continuing education hours.
5. Respondent is charged with violating Iowa Administrative Code rule 193B—3.3(1) by failing to complete the required 24 hours of continuing education for the 2014-2016 biennium.
6. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing.

B. Settlement Agreement and Consent Order

7. 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 discipline against the Respondent, and is the final agency order in the contested case, pursuant to Iowa Code section 17A.10 and Iowa Administrative Code rule 193—7.4. Respondent acknowledges he had the opportunity to consult with legal counsel before signing this Consent Order.

8. 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.

9. 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.

10. 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.

11. Failure to comply with the provisions of this Order may be grounds for further disciplinary action. However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

12. 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. Continuing Education

Respondent agrees to attend two (2) hours of continuing education. These continuing education hours shall conform to the requirements of Iowa Administrative Code chapter 193B—3. These hours shall not count towards Respondent's continuing education requirement for renewal. Respondent is solely responsible for all costs associated with obtaining these hours. Respondent shall provide the Board proof of completion of the two (2) continuing education hours within sixty (60) days of the Board's approval of this Consent Order.

B. Civil Penalty

Respondent agrees to pay a civil penalty in the amount of fifty dollars (\$50). This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the Iowa Architectural Examining Board, Iowa Professional Licensing Bureau, 200 E. Grand Ave, Ste. 350, Des Moines, IA 50309 within thirty (30) days of the Board's approval of this Consent Order. All civil penalty payments shall be deposited into the State of Iowa general fund.

C. Future Compliance

Respondent is ordered to obey all applicable Iowa laws and rules in the future.

The Respondent



Nathan Kalaher

JUNE 5TH, 2017

Date

Iowa Architectural Examining Board



Jerry Purdy, Vice President

7/11/17

Date