

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

IN THE MATTER OF:) Case No. 17-20
)
)
Michael J. Warden)
Architect License 03374) STATEMENT OF CHARGES
) AND CONSENT ORDER
Respondent.)
)

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 licensed architect whose license expires on June 30, 2019. His licensure lapsed on July 1, 2009 and was reinstated on November 13, 2017.
3. Respondent performed architectural services in Iowa during the period his license was lapsed and Respondent acknowledges that he provided the incorrect license renewal date on the seal block of technical submissions.
4. The Board charges Respondent with practicing architecture while his licensure had lapsed in violation of Iowa Code sections 544A.1, 544A.13(1)(c), and 544A.15, and 193B IAC 2.5(1)(g).
5. The Board further charges Respondent with including inaccurate information in the seal block when sealing and certifying technical submissions in violation of Iowa Code sections 544A.28 and 544A.29, and 193B IAC 4.1(7).
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 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.

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. Reprimand

Respondent is reprimanded for practicing architecture with a lapsed registration and failing to use correct seal information.

B. Civil Penalty

Respondent agrees to pay a civil penalty in the amount of two hundred fifty dollars (\$250). 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. Remedial Orders

Respondent has provided some documentation to the Board on his contacts with the clients for whom he performed architectural services in the state of Iowa on and after July 1, 2009 through November 13, 2017. Based on this documentation:

(1) Within one hundred-eighty (180) days from the date the Board approves the signed order, Respondent shall mail written notice to all clients for whom he performed architectural services in the state of Iowa on and after July 1, 2009 through November 13, 2017. The notice shall advise the client that Respondent's license was lapsed when the services were provided. Copies of the letters shall be submitted to the Board within 5 days of mailing.

(2) If Respondent discovers that any improperly certified and sealed documents were filed with a governmental body, he shall promptly notify said governmental body and advise the governmental body that Respondent's license was lapsed when the services were provided. Copies of the notification shall be submitted to the Board within 5 days of sending.

(3) Respondent shall properly recertify and reseal, as applicable, all documents certified or sealed while his license was lapsed. Respondent shall provide proof of compliance no later than one hundred-eighty (180) days after the date the Board approves the signed order.

D. Continuing Education

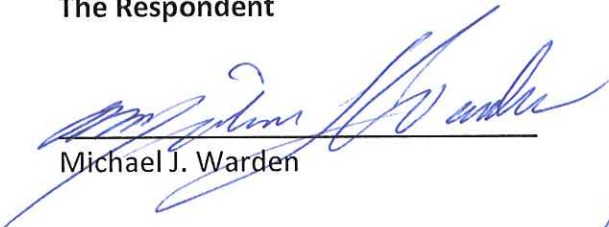
Respondent agrees to attend an ethics course of a minimum of three (3) hours of continuing education. These hours shall not count towards Respondent's continuing education requirement for renewal. Respondent is solely responsible for all costs associated with obtaining these hours. Respondent shall provide the Board proof of completion of the three (3) continuing education hours within sixty (60) days of the Board's approval of this Consent Order.

E. Future Compliance

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

The Respondent

Iowa Architectural Examining Board



Michael J. Warden



Linda Alfson Schemmel, President

12/22/2017
Date

1/18/18
Date