

BEFORE THE ARCHITECTURAL EXAMINING BOARD  
OF THE STATE OF IOWA

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<b>IN THE MATTER OF:</b>	)	<b>Case No. 18-04</b>
	)	
Phillip C. Pecord	)	
Architect license 06800	)	<b>STATEMENT OF CHARGES</b>
	)	<b>AND CONSENT ORDER IN</b>
AutoZone Dept. 8320	)	<b>DISCIPLINARY CASE</b>
123 S. Front Street	)	
Memphis, TN 38103	)	
	)	
Respondent.	)	

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**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 applied for renewal of his license as an architect in Iowa in June 2017.
3. Respondent answered “No” on the application to the questions “Since your last renewal: (3) Have you had disciplinary action of any type or been denied licensure/registration by any state board, including Iowa, or similar licensing body, in any governmental agency or jurisdiction?” and “(4) Are there any architectural or other professional license investigations/disciplinary actions currently pending against you in any state, including Iowa?”
4. In March 2018, the Board received a letter from the National Council of Architectural Registration Boards (“NCARB”) informing the Board that Respondent’s NCARB certification had been revoked as a result of disciplinary action taken by the Mississippi State Board of Architecture. Subsequent to receiving NCARB’s letter, the Board, upon reviewing the NCARB Disciplinary database, discovered that Respondent had been disciplined by the Mississippi State Board of Architecture, Cause Number 13-14 and the Alabama Board for Registration of Architects, Case Number 17006. Respondent did not provide a reason when asked why he had not disclosed this information on his renewal application.
5. Respondent provided erroneous information on his application, which is a violation of Iowa Code section 544A.25(2)(b). The Board may deny an application based on a misstatement of this nature. Instead, the Board renewed the Respondent’s license, but is now subjecting him to discipline based on his misstatement. Providing truthful information is important in the application process and more generally in the practice of architecture.

6. Respondent is charged with violating section 544A.25(2)(b). Misstatements of this nature are also considered a practice harmful or detrimental to the public under Iowa Code sections 272C.10(3) and 544A.13(1)(c).

7. The Board considers all such misstatements serious matters, but there is a mitigating factor here as the nature of the discipline in Mississippi State Board of Architecture, Cause Number 13-14 and the Alabama Board for Registration of Architects, Case Number 17006, would not have resulted in a denial of the renewal application if properly disclosed.

8. 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**

9. 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 193 Iowa Administrative Code 7.4. Respondent acknowledges he had the opportunity to consult with legal counsel before signing this Consent Order.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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. 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.

**B. Reprimand**

Respondent is reprimanded for failing to disclose prior discipline in his application for renewal of his architectural license.

**C. Future Compliance**

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

**The Respondent**

  
\_\_\_\_\_  
Phillip C. Pecord

4/08/18  
\_\_\_\_\_  
Date

**Iowa Architectural Examining Board**

  
\_\_\_\_\_  
President

5/17/18  
\_\_\_\_\_  
Date