

FILED 11.15.18 (Date)

Architecture

Board / Commission

Signature, Executive Officer

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

IN THE MATTER OF:)	Case No. 18-12
)	
Jim Tharp)	
Architect license 06931)	STATEMENT OF CHARGES
)	AND CONSENT ORDER IN
Oxley Williams Tharp Architects, PLLC)	DISCIPLINARY CASE
509 Pecan Street, Suite 100)	
Fort Worth, TX 76102)	
)	
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 applied for renewal of his license as an architect in Iowa in June 2015 and June 2017.

3. The online renewal application form asks if, since the last renewal, has the applicant had a "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?" There are radial buttons for "Yes" and "No." If the Respondent would have answered "Yes," the system would have made note, locked the online renewal, and prompted him to submit a paper renewal. Since the online renewals were completed, he must have answered "No." However, he should have answered "Yes" in at least two of the renewal cycles. There are no board records that show the Respondent notified the board of this discipline.

4. Subsequent to receiving Respondent's licensure application, the Board discovered that Respondent had been disciplined for unlicensed practice by the Kentucky Board of Architects, Case Number 15-022. When asked why he had not disclosed this information on either application, Respondent stated he was notified by the Kentucky Board in August 2015, after his 2015 renewal. Respondent does not know why he did not answer correctly in 2017 as he disclosed the discipline on an Oklahoma renewal in June, 2017 and Arkansas license application in July 2017.

5. Respondent provided erroneous information on at least one of his renewal applications, 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.

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 Kentucky discipline in Case Number 15-022 would not have resulted in a denial of the 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 rule 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. Reprimand

Respondent is reprimanded for failing to disclose prior discipline in his application for registration.

B. Future Compliance

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

The Respondent

Iowa Architectural Examining Board



Jim Tharp



Jerry Purdy, President

11 OCTOBER 2018

Date

11/15/18

Date