

**BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA**

IN THE MATTER OF:)	Case No. 18-26
)	
Gregory E. Schwerdt)	
Architect license 02931)	STATEMENT OF CHARGES
)	AND CONSENT ORDER IN
Schwerdt Design Group, Inc.)	DISCIPLINARY CASE
2231 SW Wanamaker Road, Suite 303)	
Topeka, KS 66614)	
)	
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 (2018).

2. Respondent applied for renewal of his license as an architect in Iowa on or about June 26, 2017.

3. A question on the paper renewal application asks, if, since the last renewal has the application had disciplinary action of any type of been denied licensure/registration by any state board, including Iowa, or similar licensing body, in any governmental agency or jurisdiction. Schwerdt checked the “No” box. There are no board records that show the Respondent notified the board of this discipline.

4. Subsequent to receiving Respondent’s licensure application, Board staff discovered Respondent had been disciplined for misrepresentation in connection with an application for registration by the State of Arizona Board of Technical Registration, Case Number P14-070, signed on April 8, 2016; and for non-disclosure of disciplinary action in another state by the Alabama Board for Registration of Architects, Case Number 17009, signed on February 7, 2017. Respondent should have disclosed these disciplines on his 2017 renewal.

5. During routine investigation and subsequent follow-up, Board staff discovered Respondent has been had been disciplined by the Mississippi State Board of Architecture, Cause Number 18-7, signed on October 16, 2018. Respondent should have disclosed the discipline to the Board office within 30 days of the final action.

6. Respondent provided erroneous information on his renewal 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.

7. 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). See also 193B Iowa Administrative Code §§ 4.1(4), 4.1(5).

8. The Board considers all such misstatements serious matters, but there is a mitigating factor here as the nature of the disciplinary actions would not have resulted in a denial of the application if properly disclosed.

9. 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

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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:

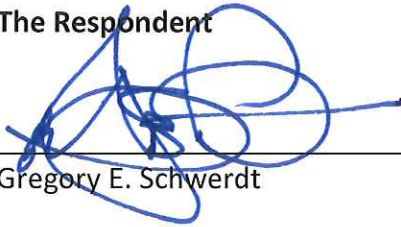
A. Reprimand

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

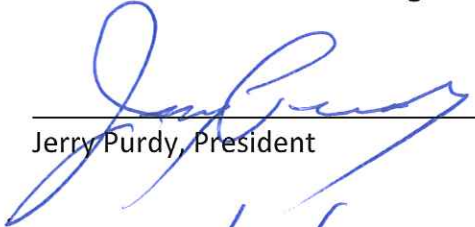


Gregory E. Schwerdt

12/20/18

Date

Iowa Architectural Examining Board



Jerry Purdy, President

1/17/19

Date