

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

FILED 3.28.19 (Date)

Architecture
Board / Commission

IN THE MATTER OF:

Case No. 18-28

Signature, Executive Officer

David E. Evans
Architect license 05347

STATEMENT OF CHARGES
AND CONSENT ORDER IN
DISCIPLINARY CASE

Mantel Teter Architects, P.C.
929 Walnut Street, Suite 5104
Kansas City, MO 64106

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 (2019).

2. Respondent holds architectural license number 05347, issued by the Board on December 12, 2001, which is active and due for renewal on June 30, 2020.

3. Respondent applied for renewal of his license as an architect in Iowa on or about May 20, 2014.

4. 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 renewal was completed, he must have answered "No." However, he should have answered "Yes."

5. Subsequent to receiving Respondent's licensure application, Board staff discovered Respondent had been disciplined for practicing on a lapsed license by the Wyoming State Board of Architects and Landscape Architects, Docket No. 2013-01, which was signed on April 19, 2013. Respondent should have disclosed these disciplines on his 2014 renewal.

6. During routine investigation and subsequent follow-up, Board staff discovered Respondent has been had been disciplined by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects, Case No. 2018-005025, which was signed on October 30, 2018. Respondent should have disclosed the discipline to the Board office within 30 days of the final action.

7. 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.

8. 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).

9. 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.

10. 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

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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:

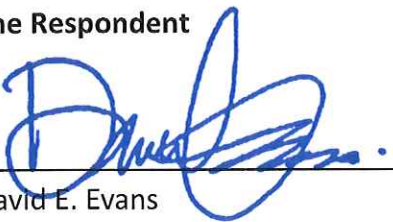
A. Reprimand

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.

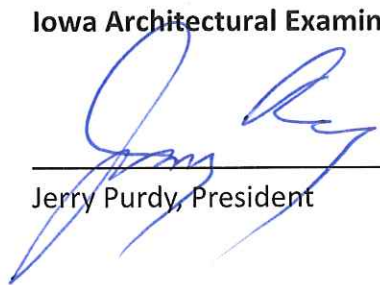
The Respondent



David E. Evans

02.01.2019
Date

Iowa Architectural Examining Board



Jerry Purdy, President

3.28.19
Date