

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

Department of Commerce
Professional Licensing Bureau

FILED 11.21.19 (Date)

Architecture
Board / Commission
Signature, Executive Officer

IN THE MATTER OF:

Case No. 19-28

Jon P. Talty
Architect license 04039

STATEMENT OF CHARGES
AND CONSENT ORDER IN
DISCIPLINARY CASE

45 Longmeadow Road
Winnetka, IL 60093

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 04039, issued by the Board on August 27, 1998, which is now active and due for renewal on June 30, 2021.

3. Respondent renewed his architecture license on or about June 11, 2019.

4. The online application form asks if the applicant "Since your last renewal, 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?" There are radial buttons for "Yes" and "No." The Respondent answered "No." The online application asks the applicant "Since your last renewal, are there any professional license investigations/disciplinary actions currently pending against you in any state, including Iowa?" He answered "No."

5. The online application asks the applicant to agree to "With my signature, I hereby affirm/attest that the information provided on this application is true and correct to the best of my knowledge and belief. All education reported has been completed prior to the date of this application." Respondent checked the box to agree.

6. During routine investigation, Board staff discovered Respondent had been disciplined by the Architect Section of the Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors with a Final Decision and Order in Case Number 17 ARC 041, which was signed on September 26, 2018. Respondent should have notified the Board of

the discipline within 30 days of the matter and additionally, should have disclosed the discipline on the renewal application.

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 Iowa Administrative Code rr. 193B—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 Iowa Administrative Code rule 193—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 renewal application and failing to report the discipline to the Board within 30 days of the final action.

B. Continuing Education

Respondent agrees to attend an ethics course of a minimum of one (1) hour of continuing education. The hour shall not count towards Respondent's continuing education requirement for renewal. Respondent is solely responsible for all costs associated with obtaining the hour. Respondent shall provide the Board proof of completion of the one (1) continuing education hour within sixty (60) days of the Board's approval of this Consent Order.

C. Civil Penalty

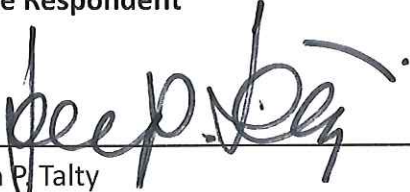
Respondent agrees to pay a civil penalty in the amount of fifty dollars (\$50) within thirty (30) days of the Board's approval of this Consent Order. All civil penalty payments shall be deposited into the State of Iowa general fund.

D. Future Compliance

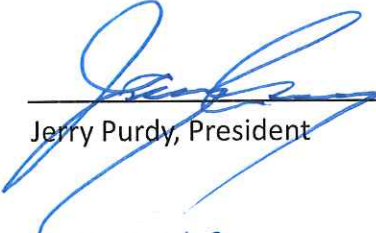
Respondent is ordered to obey all applicable Iowa laws and rules in the future.

The Respondent

Iowa Architectural Examining Board



Jon P. Talty



Jerry Purdy, President

10.07.19.

Date

11.21.19

Date