

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. 19-26
)
)
Jimmy L. Powers)
Architect license 05389)
)
3742 Sunset Cliff) STATEMENT OF CHARGES
San Antonio, TX 78261) AND CONSENT ORDER IN
) DISCIPLINARY CASE
)
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 05389, issued by the Board on April 26, 2002, which is now active and due for renewal on June 30, 2021.
3. Respondent applied for renewal of his license as an architect in Iowa on or about June 4, 2015.
4. The online renewal application form asked 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. There are no board records that show the Respondent notified the board of this discipline.
5. During routine investigation, Board staff discovered Respondent had been disciplined by the New Jersey State Board of Architects with an Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint No. 96971, which was signed by Powers on April 30, 2014. Respondent should have disclosed the discipline on the renewal application.
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 Iowa Administrative Code rr. 193B—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 Iowa Administrative Code rule 193—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 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

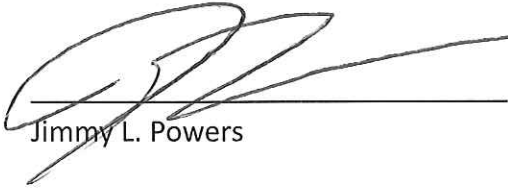
Respondent agrees to pay a civil penalty in the amount of fifty dollars (\$50) within thirty (30) days of the Board's approval of this Consent Order. All civil penalty payments shall be deposited into the State of Iowa general fund.

D. Future Compliance

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

The Respondent

Iowa Architectural Examining Board



Jimmy L. Powers



Jerry Purdy, President

10/25/19
Date

11.21.19
Date