

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

IN THE MATTER OF:

**Thomas Wittman,
License No. 00209,**

RESPONDENT.

Case No. 20-02

**STATEMENT OF CHARGES,
SETTLEMENT AGREEMENT, AND
CONSENT ORDER**

A. Statement of Charges

1. The Iowa Landscape Architectural Examining Board (“Board”) has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 544B (2020).
2. Thomas Wittman, (“Respondent”) is a licensed Iowa landscape architect, number 00209.
3. When Respondent renewed his license in May 2019, he attested that he completed 24 hours of health, safety, and welfare continuing education.
4. Respondent was selected for a continuing education audit in November 2019.
5. In response to the audit, Respondent submitted documentation showing 15.25 hours of health, safety, and welfare continuing education.
6. Board staff asked Respondent to document the remaining 8.75 hours.
7. The Board received no response from Respondent.
8. Respondent is charged with violating Iowa Administrative Code rules 193D—3.3(2) and 3.3(3). Rule 193D—3.3(2) requires Respondent to submit evidence of compliance with the rule 193D—3.2 continuing education requirements for license renewal upon request of the Board. Under rule 193D—3.3(3), Respondent to allowed to make up a deficiency in continuing education hours within sixty days of notice of a deficiency.
9. The Board and Respondent have agreed to fully resolve these charges through the following Settlement Agreement and Consent Order, as allowed by Iowa Administrative Code rule 193D—4.5(9), rather than proceed to a contested case hearing.

B. Settlement Agreement and Consent Order

14. Respondent acknowledges he violated Iowa Administrative Code rules 193D—3.2 and 3.3. by failing to verify completion of 24 hours of health, safety, and welfare continuing education hours for the biennial renewal period.

15. 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 Settlement Agreement and Consent Order. This Settlement Agreement and 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 Settlement Agreement and Consent Order.

16. 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.

17. This Settlement Agreement and Consent 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.

18. This Statement of Charges, Settlement Agreement and Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22.

19. 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.

20. 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. Civil Penalty

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

B. Additional Continuing Education Hours

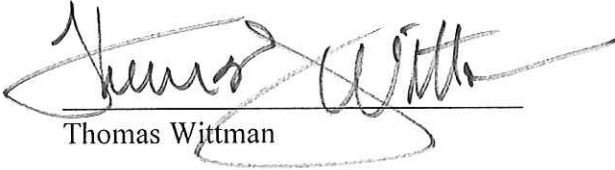
Respondent is ordered to submit documentation of 17.5 continuing education hours that meet the requirements of Iowa Administrative Code rule 193D—3.2 within sixty days. These hours may have been completed after the renewal term. Pursuant to rule 193D—3.3(3), these hours may not be used to satisfy the hours requirement for the next renewal term.

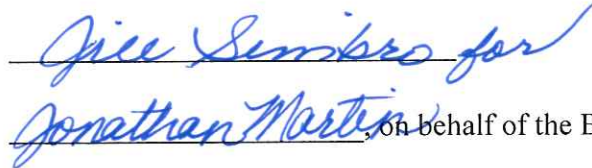
C. Future Compliance

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

Respondent

Iowa Landscape Architectural Examining Board


Thomas Wittman


on behalf of the Board

12/3/2020
Date

March 17, 2021
Date