

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

Department of Commerce
Professional Licensing Bureau
FILED 5.20.21 (Date)
Architecture
Board / Commission
Signature, Executive Officer

IN THE MATTER OF:)
)
Shlomo Steve Wygoda)
Architect license 07885)
)
SWA Architecture PLLC)
11 Park Place, Ste 816)
New York, NY 10007)
)
)
Respondent.)

Case No. 21-04

STATEMENT OF CHARGES
AND CONSENT ORDER IN
DISCIPLINARY CASE

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 (2021).
2. Respondent applied for licensure as an architect in Iowa in January 2021. Respondent holds architectural license number 07885, issued by the Board on February 7, 2020, which is now active and due for renewal on June 30, 2021.
3. The online application form asks the applicant to agree that they understand "A 'conviction' includes a guilty plea, a deferred judgment prior to discharge, and a finding of guilt by a judge or jury. Include the date of conviction, the name and location of the court, the nature of each charge (for example: felony, aggravated misdemeanor, etc.), the sentence imposed, and whether all terms of the sentence have been satisfied. All convictions must be disclosed regardless of the date when entered or whether the criminal record has been expunged." Respondent checked the box to agree.
4. The online application asks the applicant "Have you ever been convicted of a felony in any state, federal, or foreign jurisdiction? If yes, include a complete explanation." and "Have you been convicted of any other criminal offense in any state, federal, or foreign jurisdiction, other than a traffic offense or simple misdemeanor? If yes, include a complete explanation." There are radial buttons for "Yes" and "No." The Respondent answered "No" to both questions.
5. The online application asks the applicant to agree to the statement "I acknowledge that making a false or erroneous statement to the above questions may subject me to disciplinary action including, but not limited to, immediate revocation or suspension of my registration. Under penalty of

perjury, I hereby affirm/attest that all information provided on this entire application is true and correct to the best of my knowledge.” Respondent checked the box to agree.

6. Board staff discovered Respondent had a conviction in New York for giving an unlawful gratuity in August 2016. Respondent disclosed the conviction to another jurisdiction’s licensing board during its application process. Respondent should have disclosed the discipline on his Iowa reciprocity application as well.

7. Respondent provided erroneous information on his 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. The Board issued Respondent a license, and 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 conviction 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. A copy of the Order will be provided to the National Council of Architectural Registration Boards (NCARB).

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 a criminal conviction in his application for licensure.

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

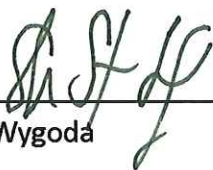
Respondent agrees to pay a civil penalty in the amount of fifty dollars (\$50) within thirty (30) days of the Board's approval of this Consent Order. All civil penalty payments shall be deposited into the State of Iowa general fund.

D. Future Compliance

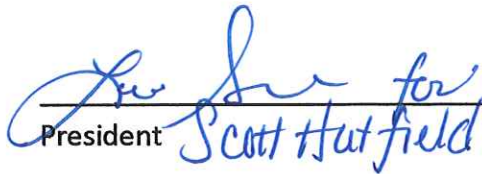
Respondent is ordered to obey all applicable Iowa laws and rules in the future.

The Respondent

Iowa Architectural Examining Board



Shlomo Steve Wygoda



President Scott Hatfield

4/22/21

Date

May 20, 2021

Date