

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

TIMOTHY MARK ROSS
Architect license 07944

IN RE: CASE NO. 22-06
DIA NO. 23PLBARCH0001

12770 Wolff Court
Broomfield, CO 80020,

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND ORDER**

RESPONDENT

On October 20, 2022, the Architectural Examining Board of the State of Iowa (Board) found probable cause to file a Notice of Hearing and Statement of Charges against Timothy Ross (Respondent). The Statement of Charges alleged that the Respondent:

- (1) Failed to complete the required 12 hours of continuing education in violation of Iowa Code 193B-2.5(1), 3.3(1), and 3.3(3);
- (2) Submitted an inaccurate renewal application in violation of Iowa Code 544A.13(1) and IAC 193B-2.9;
- (3) Failed to respond to a board communication within 30 days in violation of Iowa Code 193B-4.1(8).

A prehearing conference was held on January 12, 2023. The hearing was held in-person on January 19, 2023 before the following members of the Board: Scott Hatfield, Chairperson, architect member; Bobbi Jo Duneman, Vice-Chairperson, architect member; Tandi Brannaman, architect member; Jerry Purdy, architect member; Dan Dutcher, public member; and Ted Nahas, public member.

Assistant Attorney General Caroline Barrett represented the state of Iowa. The Respondent was not present. The hearing was open to the public, pursuant to Iowa Code section 272C.6(1). Administrative Law Judge Kathleen M. O'Neill assisted the Board in conducting the hearing. After the hearing, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f), to deliberate its decision. The Board instructed the administrative law judge to draft Findings of Fact, Conclusions of Law, Decision and Order, in conformance with their deliberations.

THE RECORD

The record includes State's Exhibits 1-6. (See exhibit index for description).

FINDINGS OF FACT

1. The Respondent is licensed as an architect in Iowa (license ARC07944), receiving his license on June 30, 2020. (Ex. 2).
2. On June 15, 2021, the Respondent submitted his license renewal. On that renewal, he chose the dropdown box, "Exempt – Registered < 12 months." To complete the renewal, he signed the form and attested that all the information submitted was "true and correct to the best of my knowledge and belief. All education reported has been completed prior to the date of this application." (Statement of charges).
3. On October 19, 2021, Lori SchraderBachar, Board Executive, emailed the Respondent to inform him that he was selected for review of compliance with the continuing education requirement for his 2021 architect license renewal. She requested that within 14 days, he provide copies of his course completion certificates or AIA transcript for the term ending June 30, 2021. (Ex. 3).
4. Receiving no response, Ms. SchraderBachar followed up on November 15, 2021, again asking for the Respondent's AIA transcript course completion certificates. She noted that in order to be compliant, the Respondent needed to have 12 HSW from June 30, 2020 (date of licensure) until June 30, 2021. (Ex. 4).
5. The Respondent replied on that same date, explaining that he was no longer employed with the same employer, and his previous employer just forwarded him the email. Due to his new employment, he was no longer performing architectural services on any projects in Iowa and did not require an Iowa license. He asked that his Iowa license status be changed to inactive. (Ex. 4).
6. Ms. SchraderBachar provided the Respondent the information in order to update the contact information on his account. She informed him that he still needed to comply with the audit request and provide his AIA transcript or course completion certificates. (Ex. 5).

7. In a February 18, 2022 letter, the Respondent voluntarily surrendered his Iowa architect's license and all related privileges. He requested the Board immediately cancel, terminate, and void the enclosed certificate. (Ex. 6).

8. On October 20, 2022, the Board charged the Respondent with (1) failing to complete the required 12 hours of continuing education; (2) submitting an inaccurate renewal application; and (3) failing to respond to a board communication within 30 days.

CONCLUSIONS OF LAW

I. Failure to Appear

Board rules provides that service of the notice of hearing may be made by personal service as in civil actions; by restricted certified mail, return receipt requested; or by acceptance of service by the licensee or the licensee's duly authorized legal representative.¹ In this case, Respondent was properly served by personal service on October 27, 2022.

If a party fails to appear after proper service of notice, the presiding officer may enter a default decision or may proceed with the hearing and enter a decision in the absence of the party.² After being personally served notice, the Respondent failed to appear, and the Board properly elected to proceed with the hearing in his absence.

II. Continuing Education

To renew an architecture license, licensees are required to verify their completion of a minimum of 24 continuing education hours (CEH) for each 24-month period since the architect's last renewal of initial licensure.³ Certificates of licensure expire biennially on June 30. In order to maintain authorization to practice in Iowa, a licensee is required to renew the certificate of licensure prior to June 1 of the year of expiration.⁴

An architect who holds licensure in Iowa for less than 12 months from the date of initial licensure or who is reinstating to active status shall not be required to report CEHs at the first license renewal. An architect who holds

¹ 193 Iowa Administrative Code (IAC) 7.6(2).

² 193 IAC 7.27(1).

³ 193B IAC 3.3(1).

⁴ 193B IAC 2.5(1)

licensure in Iowa for 12 months or more, but less than 23 months from the date of initial licensure or who is reinstating to active status, shall be required to report 12 CEHs earned in the preceding 12 months at the first license renewal.⁵

An architect shall complete and submit forms as required by the board certifying that the architect has completed the required CEHs. For verification of compliance with these requirements, the Board may audit these forms. The architect shall maintain documentation of reported CEHs for two years after the period for which the form was submitted.⁶ Failure to comply with these requirements may result in nonrenewal of the architect's license.⁷

The Respondent received his architecture license in Iowa on June 30, 2020. He renewed his license on June 15, 2021. At that time, he chose the dropdown box, "Exempt – Registered < 12 months,"⁸ indicating that he did not need to submit CEH hours. The Respondent's first year of licensure was June 30, 2020 - June 30, 2021. A person only meets the CEH exemption if he or she is licensed for less than twelve months. Because the Respondent had officially been licensed for twelve months, he was required to submit verification of completion of CEH hours. The preponderance of the evidence establishes that the Respondent was not exempt from submitting CEHs and thus failed to complete the required 12 hours of continuing education.

III. Providing Inaccurate Information

193B Iowa Administrative Code 2.9 provides that the architect is responsible for verifying the accuracy of the information submitted on an application regardless of how the application is submitted or by whom it is submitted. As a part of the renewal application, the Respondent checked a box agreeing that all the information submitted was "true and correct to the best of my knowledge and belief. All education reported has been completed prior to the date of this application."⁹

⁵ 193B IAC 3.3(4)

⁶ 193B IAC 3.3(3).

⁷ 193B IAC 3.3(1).

⁸ This portion of the renewal application was not included in the exhibits. This statement comes from the statement of charges, which the Respondent received on October 27, 2022, and is a part of the administrative record.

⁹ This portion of the renewal application was not included in the exhibits. This statement comes from the statement of charges, which the Respondent received on October 27, 2022, and is a part of the administrative record.

As noted above, when the Respondent marked that he was exempt from completing CEH hours, that was incorrect. The Respondent was required to complete CEH hours and failed to do so, thus, when he indicated that he was exempt, he provided inaccurate information. The Respondent is a licensed professional with an expectation to manage the requirements of his license. The Respondent's failure indicates a lack of diligence and attention to detail. He has demonstrated disregard for his obligations as a licensed architect in the state of Iowa. Had the Respondent questioned whether he was required to complete CEHs, he could have called the Board office. The preponderance of the evidence establishes that the Respondent submitted an inaccurate application.

IV. Failing to respond to a Board communication within 30 days.

193B Iowa Administrative Code 4.1(8) provides that an architect shall, when requested, respond to communications from the board within 30 days of the mailing of such communication by certified mail.

According to the October 20, 2022 statement of charges, the Board sent the Respondent a certified letter on December 1, 2021, which was returned as unclaimed. The Board sent another certified letter on January 5, 2022. According to the statement of charges, this letter directed the Respondent to comply with the audit within 30 days. The certified letters are not contained within the record, so the Board was unable to verify the dates these letters were sent or assess the content of these letters.

Without verification of the certified letters, the preponderance of the evidence does not establish whether the Respondent failed to respond to a certified mail communication within 30 days of mailing.

V. Sanction

Iowa Code section 544A.13 authorizes the Board to revoke or suspend a license for knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of the licensee's profession.¹⁰ 193B Iowa Administrative Code 6.6 provides that the Board can dismiss, revoke, or suspend the license, or impose civil penalties for any of the disciplinary violations specified in Iowa Code section 544A.13.

¹⁰ Iowa Code (ICA) § 544A.13(1)(c).

The Respondent voluntarily surrendered his Iowa architect's license and all related privileges, so his license is currently inactive. The Board determined that because the Respondent provided untrue information on his renewal application, in violation of Iowa Code section 544A.13(1)(c), the Board imposes a \$250.00 civil penalty.

DECISION AND ORDER

IT IS THEREFORE ORDERED that pursuant to 193B IAC 6.6(4), Iowa architect license number 07944, issued to Timothy Mark Ross, shall pay a civil penalty of \$250.00. The Respondent is only required to pay the civil penalty if he reapplies for licensure in the state of Iowa.

IT IS FURTHER ORDERED that upon filing an application for reinstatement, the Respondent must provide verification of 24 HSW continuing education hours and any additional hours needed to reinstate his license.

IT IS FURTHER ORDERED, pursuant to Iowa Code section 272C.6, that Respondent shall pay \$75.00 within thirty (30) days of receipt of this decision for fees associated with conducting the disciplinary hearing. If the Board issues a separate order assessing additional costs or expenses, the Respondent shall promptly comply with the terms of that order. The order is effective immediately upon mailing of this Decision and Order.¹¹

Dated this 14th day of March, 2023.



Scott Hatfield, Chairperson
Architectural Examining Board

cc: Respondent – Timothy Mark Ross [CERTIFIED]
Assistant Attorney General – Caroline Barrett

¹¹ 193 IAC 7.37(1).

Motion to Vacate Default

In accordance with 193 Iowa Administrative Code 7.27(3), this decision becomes final board action unless, within 15 days after the date of notification or mailing of the decision, a motion to vacate is filed and served on all parties or an appeal of a decision on the merits is timely initiated. A motion to vacate must state all facts relied upon by the moving party which establish that good cause existed for that party's failure to appear or participate at the contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit of a person with personal knowledge of each such fact, and the affidavit(s) must be attached to the motion to vacate.

Appeal on the Merits

In accordance with 193 Iowa Administrative Code 7.37, judicial review of the board's action may be sought in accordance with the Iowa administrative procedure act, Iowa Code Chapter 17A, from and after the date of the board's order. If a party does not file a timely application for rehearing, a judicial review petition must be filed with the district court within 30 days after the issuance of the board's final decision.

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

IN THE MATTER OF:)	Case No. 22-06
)	
Timothy Mark Ross)	
Architect license 07944)	NOTICE OF HEARING AND
)	STATEMENT OF CHARGES IN A
12770 Wolff Court)	DISCIPLINARY CASE
Broomfield, CO 80020)	
)	
Respondent.)	

The Iowa Architectural Examining Board (Board) issues this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 272C.6, 544A.13, and 544A.29 (2022), and Iowa Administrative Code chapters 193—7 and 193B—6 as well as 193 Iowa Administrative Code 4.1(6)(e). Licenses issued by the Board are subject to the laws of the state of Iowa and to the administrative rules of the Board.

The Board issued Timothy Mark Ross (Respondent) architect license number 07944 on June 30, 2020. Respondent's license is in full force and effect through June 30, 2023. The Respondent's license was placed on inactive status on March 24, 2022.

NOTICE OF HEARING

- 1. HEARING.** A disciplinary contested case hearing concerning the below-stated disciplinary charges before the Iowa Architectural Examining Board on the **19th day of January, 2023 at 11:00 a.m.** at 200 East Grand Avenue, Suite 350, Des Moines, Iowa 50309 either in person or virtually.
- 2. ACKNOWLEDGMENT.** The Board requests that you file a statement to acknowledge receipt of the notice of hearing within 10 days of the date you are served with this Notice.
- 3. ANSWER.** Within 20 days of the date you are served with this Notice you must file an answer to the charges as provided in Iowa Administrative Code rule 193—7.9.
- 4. PREHEARING CONFERENCE.** A prehearing conference will be held by telephone on the **12th day of January, 2023 at 1:00 p.m.** before an Administrative Law Judge from the Iowa Department of Inspections and Appeals ("ALJ"). You are responsible for notifying the Board office of the telephone number at which you or your counsel can be reached. Board rules on prehearing conferences may be found at Iowa Administrative Code rule 193—7.21.

5. **PRESIDING OFFICER.** The full Board shall serve as presiding officer at hearing, pursuant to Iowa Code section 272C.6(1) and Iowa Administrative Code rule 193—7.10(1). The Board may request that an ALJ make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing, as described in Iowa Administrative Code rule 193—7.10(4).

6. **HEARING PROCEDURES.** Board rules on hearing procedures may be found at Iowa Administrative Code chapter 193—7. You have the right to respond to the charges, produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally and be represented by counsel at your own expense. Consult rule Iowa Administrative Code 193—7.22 if you need to request an alternative time or date. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

7. **DEFAULT.** If you fail to appear at hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and Iowa Administrative Code 193—7.27.

8. **STATE'S COUNSEL.** Licensee disciplinary cases are prosecuted by an Assistant Attorney General acting on behalf of the public interest (the State). Copies of all pleadings shall be filed with the Commission, with copies mailed to:

Caroline Barrett
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Phone: 515-281-6839
Email: caroline.barrett@ag.iowa.gov

9. **SETTLEMENT.** The procedural rules governing the Board's settlement process are found at Iowa Administrative Code 193—7.42. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Caroline Barrett.

10. **COMMUNICATIONS.** You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Assistant Attorney General Caroline Barrett at 515-281-6839, or the Board's Executive Officer at 515-725-9030.

11. **ADA NOTICE.** If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call or e-mail the Board's Executive Officer at

515-725-9030. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

STATEMENT OF CHARGES

COUNT I

12. Respondent is charged with violating Iowa Administrative Code 193B—2.5(1), 3.3(1) and 3.3(3) by failing to complete the required 12 hours of continuing education.

COUNT II

13. Respondent is charged with violating Iowa Code 544A.13(1) and Iowa Administrative Code 193B—2.9 for submitting an inaccurate application.

COUNT III

14. Respondent is charged with violating Iowa Administrative Code 193B—4.1(8) for not responding to a board communication within 30 days.

CIRCUMSTANCES

4. On or about June 15, 2021, Respondent renewed his license to active status. As part of the renewal application, the manner of proof of continuing education hours is required. From the dropdown box, the Respondent chose "Exempt – Registered < 12 Months." Respondent checked the box 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."

5. In October 2021, Respondent was selected for a continuing education audit for compliance with the continuing education requirements for his 2021 architect license renewal.

6. On November 15, 2021, Respondent stated he had closed his architecture firm and no longer worked in Iowa.

7. On November 16, 2021, Respondent was directed to comply with the audit of his continuing education in an email. No response was received.

8. On December 1, 2021, a certified letter was sent to the Respondent. The letter was returned to the office as unclaimed.

9. On January 5, 2022, another certified letter was sent to the Respondent, directing him to comply with the audit within 30 days.

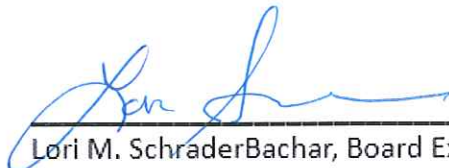
10. On February 28, 2022, Respondent sent a letter to the Board requesting a voluntary surrender of his Iowa architect license.

11. The Respondent failed to comply with the Board's continuing education audit and failed to provide to the Board any documentation substantiating compliance with the continuing education requirements.

12. Accurate and truthful attestation of one's continuing education history is essential to the Board's determination of whether an applicant meets all requirements for renewing an Iowa architecture license. See Iowa Code § 544A.13 (2022). The Respondent's failure to complete all required continuing education within the renewal period as attested on his Iowa license renewal application constituted a false statement of material fact.

20. The Board found Probable Cause to issue this Notice of Hearing and Statement of Charges on September 15, 2022.

This Notice of Hearing and Statement of Charges is Filed and Issued on 20th day of October, 2022.



Lori M. SchraderBachar, Board Executive
Iowa Architectural Examining Board

Copies to:

Assistant Attorney General Caroline Barrett

Department of Inspections and Appeals, assigned Administrative Law Judge

FILED April 14, 2022 (Date)

Architecture
Board / Commission


Signature, Executive Officer

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

IN THE MATTER OF:)	Case No. 22-06
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Timothy Mark Ross)	
Architect license 07944)	STATEMENT OF CHARGES
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The Board issued Timothy Mark Ross (Respondent) architect license number 07944 on June 30, 2020. Respondent’s license is in full force and effect through June 30, 2023. The Respondent’s license was placed on inactive status on March 24, 2022.

STATEMENT OF CHARGES

COUNT I

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COUNT II

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PROCEDURES AND NOTIFICATIONS

13. **ANSWER.** Within 20 days of the date you are served with this Statement of Charges you must file an answer to the charges as provided in 193 Iowa Administrative Code 7.9.

14. **PROSECUTION.** Licensee disciplinary cases are prosecuted by an Assistant Attorney General acting on behalf of the public interest (the State). Copies of all pleadings shall be filed with the Board, with copies mailed to:

Caroline Barrett
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
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Phone: 515-281-6839
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FINDING OF PROBABLE CAUSE

On March 17, 2022, the Board found probable cause to file this Statement of Charges.

This Statement of Charges is filed and issued on the 14 day of April, 2022.



Lori M. SchraderBachar, Board Executive
Iowa Architectural Examining Board

Copies to:
Assistant Attorney General, Caroline Barrett