

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

IN THE MATTER OF:)

Jerry L. Berggren)
1201 "O" Street)
Lincoln NE)

Respondent)

Case No. 04-11

**SETTLEMENT AGREEMENT
AND CONSENT ORDER**

The Iowa Architectural Examining Board (Board) and Jerry L. Berggren (Respondent) enter into this Settlement Agreement and Consent Order (Order), pursuant to Iowa Code section 17A.10 (2003) and 193 IAC 7.4:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 544A, and 272C (2001, 2003).
2. Respondent is a registered architect in the state of Iowa. His registration lapsed on June 30, 2000. Respondent agrees he performed architectural services in Iowa after his registration lapsed. Respondent reinstated his lapsed on registration on July 2, 2004.
3. A statement of charges will be filed simultaneously with this Consent Order. The Board and Respondent agree that Mr. Berggren's June 29, 2004, letter shall be treated as his Answer and as a public record.
4. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights by freely and voluntarily entering into this Agreement. The Consent Order is the final agency order in the contested case.
5. This Agreement shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.
6. This Agreement and the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2003).
7. Failure to comply with the provisions of this Agreement shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2003). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.
8. This Agreement is subject to approval of the Board:
 - (a) If the Board fails to approve this Agreement, 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 Agreement, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

A. Reprimand

Respondent is reprimanded for practicing architecture with a lapsed registration.

B. Civil Penalty

Respondent shall pay a \$500.00 civil penalty no later than October 31, 2004.

C. Remedial Orders

(1) By October 15, 2004, Respondent shall send an affidavit to the board listing all Iowa projects and his involvement with each project from July 1, 2000 to July 2, 2004. If Respondent has not provided architectural services in Iowa he shall send an affidavit to the board by October 15, 2004 stating that he has provided no architectural services.

(2) Respondent shall mail written notice to all clients for whom he performed architectural services in the state of Iowa on and after July 1, 2000 to July 2, 2004. The notice shall advise the client that Respondent's registration was lapsed when the services were provided. Copies of the letters shall be submitted to the Board no later than November 15, 2004.

(3) Respondent shall recertify and reseal, as applicable, all documents certified or sealed while his registration has expired. Respondent shall provide proof of compliance no later than January 1, 2005.

D. Future Compliance

Respondent shall in the future adhere to all statutes and administrative rules in the practice of architecture.

AGREED AND ACCEPTED:

The Respondent

The Iowa Architectural Examining Board



Jerry L. Berggren




President

Oct. 11, 2004
Date

November 09, 2004
Date

Department of Commerce
Professional Licensing and Regulation Division

FILED 11/9/04 (Date)

Architectural Examining
Board/Commission

Signature, Executive Officer

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

IN THE MATTER OF:)	
)	
Jerry L. Berggren, RESPONDENT)	CASE NO. 04-11
1201 "O" Street)	
Suite 302)	STATEMENT OF CHARGES
Lincoln NE 68508)	

COMES NOW the complainant, Glenda Loving, and states:

1. The Complainant is the Executive Officer of the Iowa Architectural Examining Board and files these charges solely in her official capacity.
2. The Board has jurisdiction of this matter pursuant to Iowa Code chapter 17A, 272C, and 544A(2003).
3. The Board issued the Respondent, Jerry L. Berggren, Iowa registration number 02475, on October 26, 1983.
4. Respondent's registration lapsed on June 30, 2000. The registration was reinstated on July 2, 2004.
5. Respondent continued to perform architectural services in Iowa and held himself out as an architect in Iowa while his registration had lapsed.

COUNT 1

Respondent is charged with unethical conduct and a practice harmful or detrimental to the public in violation of Iowa Code sections 272C.10(3), 544A.1, and 544A.10, 544A.13(3), 544A.15(1), 544A.29 (2003) and 193B IAC 4.1(5)(c), when he practiced architecture and held himself out as an architect while his registration had lapsed.

WHEREFORE, the complainant prays that a hearing be held in this matter and that the Board take such action as it deems appropriate under the law.


Glenda Loving, Executive Officer

FINDING OF PROBABLE CAUSE

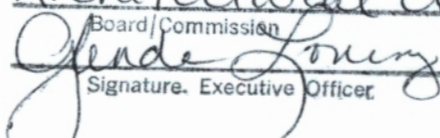
On July 15, 2004, the Iowa Architectural Examining Board found probable cause to file this Statement of Charges and to order a hearing be set in this matter.



Jeffrey Morgan, President

Department of Commerce
Professional Licensing and Regulation Division

FILED 10/4/04 (Date)

Architectural Examining
Board/Commission

Signature, Executive Officer