

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

Department of Commerce
Professional Licensing Bureau
FILED 11.19.2020 (Date)
Architecture
Board / Commission

Signature, Executive Officer

IN THE MATTER OF:)
)
Bouma & Company, Inc.)
)
1503 8th St. SE)
Orange City, IA 51041)
)
Respondent.)

Case No. 19-50

**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 (2020).
2. Bouma & Company, Inc, (“Respondent”) was the general contractor employed by Dordt University, of Sioux Center, Iowa, to build the Agricultural Stewardship Center.
3. The Agricultural Stewardship Center was 26,000 square feet and was built for educational use and as a place of assembly.
4. Because of the size and the intended purpose of the Agricultural Stewardship Center, Respondent was required by Iowa Code section 544A.16 and 544A.18 to have complete documents suitable for construction prepared by, signed, and sealed by a licensed architect or other relevant design professional.
5. In the construction of the Agricultural Stewardship Center, Respondent used preliminary plans provided by Dordt University which were unsuitable for use as design and construction documents.
6. The preliminary plans were prepared by an architect licensed in Iowa, Eric Oleson of the architectural firm Oleson & Hobbie of Mankoto, Minnesota.
7. Mr. Oleson was paid by Dordt University, and not by Respondent, for the preliminary plans.
8. Mr. Oleson was not contacted by Dordt University or Respondent for any further involvement with the Agricultural Stewardship Center.

9. Respondent did not employ any other Iowa licensed architect or other design professional to properly prepare design and construction documents.

10. The Agricultural Stewardship Center was completed in the Fall of 2018.

11. An inspection of the completed Agricultural Stewardship Center by the State Fire Marshall revealed significant fire safety problems with the building.

12. Respondent is charged with violating Iowa Code section 544A.15(3)(a)(1) and Iowa Administrative Code rule 193B—7.3 by engaging in the unlawful practice of architecture by being the general contractor for and building the Agricultural Stewardship Center without using design and construction documents prepared, stamped, and sealed by an Iowa licensed architect as required by Iowa Code sections section 544A.16 and 544A.18.

13. 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

14. Respondent acknowledges it violated Iowa Code section 544A. 15(3)(a)(1) Iowa Administrative Code rule 193B—7.3 by engaging in the unlawful practice of architecture in its construction of the Agricultural Stewardship Center and agrees to refrain from any further violations. *See* Iowa Code § 544A.15(4).

15. Respondent has a right to a hearing on the charges, but waives its 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 it had the opportunity to consult with legal counsel before signing this 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 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 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.

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 agrees to pay a civil penalty in the amount of one thousand dollars (\$1,000) 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.

B. Agreement to Refrain from Unlicensed Practice


Respondent agrees to refrain from the unlicensed practice of architecture. Whenever any work of Respondent's is required by Iowa law to be performed by a licensed architect or other design professional, Respondent will obtain or ensure another party has obtained the services of a licensed architect or other design professional for that work in order to protect the health and safety of Iowans.

C. Future Compliance

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

The Respondent

Bouma & Company, Inc.



Signed by: Dave Gosling

Title: Owner

On behalf of Bouma & Company, Inc.

10/29/20

Date

Iowa Architectural Examining Board



Scott Hatfield, President

11.19.2020

Date