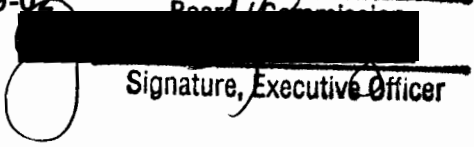


BEFORE THE LANDSCAPE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

Department of Commerce
Professional Licensing Bureau
FILED 7/28/09 (Date)
and scap Arch Exam

IN THE MATTER OF:)
)
David J. Ciaccio)
Olsson Associates #00258)
2111 S 67th Street,)
Ste 200)
Omaha NE 68106)

Respondent.)
)

Case No. 09-02

Signature, Executive Officer

COMBINED STATEMENT OF
CHARGES AND CONSENT ORDER
IN DISCIPLINARY CASE

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.

2. Respondent was issued Iowa registration number 00258 on the 17th day of April, 1984. The registration currently is active and will next expire on the 30th day of June, 2010.

3. Respondent is a professional landscape architect in the state of Iowa. His registration lapsed on June 30, 2008. Respondent agrees he performed landscape architectural services in Iowa after his registration lapsed. Respondent reinstated his lapsed registration on April 13, 2009.

6. Following investigation, the Board charges Respondent with practicing landscape architecture and holding himself out as a landscape architect after his registration had lapsed.

7. 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

8. Respondent has a right to a hearing on the charges, but waives [his/her] 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 193 Iowa Administrative Code 7.4.

9. 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.

10. 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.

11. 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 (2007).

12. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2005). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

13. 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 practicing landscape architecture with a lapsed registration.

B. Civil Penalty

Respondent shall pay a \$500.00 civil penalty no later than June 30, 2009.

C. Remedial Orders

(1) By June 30, 2009, Respondent shall mail written notice to all clients for whom he performed landscape architectural services in the state of Iowa on or after July 1, 2008 through April 13, 2009. The notice shall advise the client that Respondent's registration was lapsed when the services were provided. Copies of the notices which include the client's current address and telephone number shall be submitted to the Board no later than July 30, 2009.

(2) By June 30, 2009, Respondent shall recertify and reseal, as applicable, all documents certified and sealed while his registration was lapsed. Respondent shall provide proof of compliance from building officials no later than July 30, 2009.

D. Future Compliance

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

AGREED AND ACCEPTED:

The Respondent



David J. Ciaccio

5-18-09
Date

Iowa Landscape Architectural Examining Board



Mark Ripplinger, Chair

7/28/09
Date