

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

IN THE MATTER OF:)	Case No. 12-04
)	
Tom R. Clause)	
Architect registration 01616)	
LAPSED)	STATEMENT OF CHARGES
)	CHARGES AND CONSENT ORDER
)	IN DISCIPLINARY CASE
1684 Mueller Court)	
Winterset, IA 50273)	
Respondent.)	

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 (2011).
2. Respondent was issued Iowa registration number 01616 on the 30th day of July, 1973.
3. Respondent was a registered architect in the state of Iowa. His registration lapsed on July 1, 2012.
4. Respondent agrees he performed architectural services in Iowa after his registration lapsed.
5. The Board charges Respondent with practicing architecture while his registration had lapsed in violation of Iowa Code sections 544A.1, 544A.13(1)(c), and 544A.15, and 193B IAC 2.5(1)(g).
6. 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

7. 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 193 Iowa Administrative Code 7.4.
8. 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.

9. 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.

10. 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 (2011).

11. 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) (2011). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

12. 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 architecture with a lapsed registration.

B. Reinstatement

Respondent shall complete the reinstatement process no later than five (5) days from the date the Board approves the signed order.

C. Civil Penalty

Respondent shall pay a \$500.00 civil penalty no later than thirty (30) days from the date the Board approves the signed order.

D. Remedial Orders

(1) Within sixty (60) days from the date the Board approves the signed order, Respondent shall mail written notice to all clients for whom he performed architectural services in the state of Iowa on and after July 1, 2012 through the time of his reinstatement or December 4, 2012, whichever is later. 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 within 5 days of mailing.

(2) Respondent shall recertify and reseal, as applicable, all documents certified or sealed while his registration was expired. Respondent shall provide proof of compliance no later than sixty (60) days after the date the Board approves the signed order.

E. Future Compliance

Until reinstated, Respondent shall not take any actions that require registration as an architect in the state of Iowa. Respondent shall in the future adhere to all statutes and administrative rules in the practice of architecture.

The Respondent



Tom R. Clause

1-4-2013

Date

Iowa Architectural Examining Board



Terry Allers, Chair

1-10-13

Date