

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

Department of Commerce
Professional Licensing Bureau
FILED May 17, 2019 (Date)
Architecture
Board / Commission

Signature, Executive Officer

IN THE MATTER OF:)	Case No. 19-10
)	
Rick Emswiler)	
Architect license 03826)	STATEMENT OF CHARGES
)	AND CONSENT ORDER IN
2729 Kraft Lane)	DISCIPLINARY CASE
Missouri Valley, IA 51555)	
)	
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 (2019).
2. Respondent holds architectural license number 03826, issued by the Board on March 20, 1997, which is active and due for renewal on June 30, 2020.
3. On or about June 27, 2018, Respondent renewed his license. The online renewal form asks “How are you providing your CE Unit requirements?” Respondent chose “Attest the Total Number of Required Continuing Education Hours” and checked the “I Agree” box stating, “I attest I have completed the number of hours needed for renewal as required by Iowa Code and Iowa Administrative Code applicable to my renewal.” Respondent answered “24” to the “Number of hours reported.” The required number of hours is 24 hours of continuing education for the previous biennium, per Iowa Administrative Code rule 193B—3.3(1).
4. In March 2019, Respondent was selected for a continuing education audit and submitted verification of completion of 21 of the 24 required continuing education hours.
5. Respondent is charged with violating Iowa Administrative Code rule 193B—2.5(1), 3.3(1) and 3.3(3) by failing to complete the required 24 hours of continuing education for the 2016-2018 biennium.
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 Iowa Administrative Code rule 193—7.4. Respondent acknowledges he had the opportunity to consult with legal counsel before signing this Consent Order.

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.

11. 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.

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 failing to complete the required 24 hours of continuing education for the 2016-2018 biennium.

B. Continuing Education

Respondent agrees to attend six (6) hours of continuing education. These continuing education hours shall conform to the requirements of Iowa Administrative Code chapter 193B—3. These hours shall not count towards Respondent’s continuing education requirement for renewal. Respondent is solely responsible for all costs associated with obtaining these hours. Respondent shall provide the Board proof of completion of the six (6) continuing education hours within sixty (60) days of the Board’s approval of this Consent Order.


C. Civil Penalty

Respondent agrees to pay a civil penalty in the amount of fifty dollars (\$50) 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.

D. Future Compliance

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

The Respondent



Rick Emswiler

4-23-19
Date

Iowa Architectural Examining Board



President

5.17.19
Date