

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

Department of Commerce
Professional Licensing Bureau
FILED July 18, 2011 (Date)
ARCHITECTURE
Board / Commission
Signature, Executive Officer

IN THE MATTER OF:)
)
James Finney, Jr.)
#02480 (lapsed))
Rose & Reid Design Associates)
259 Highway 74, Suite 1)
Peachtree City, GA 30269)

Respondent.)
)

Case No. 11-004

COMBINED 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 (2011).
2. Respondent was issued Iowa Architectural registration number 02480 in 1984. His registration lapsed at some point in the 1980's prior to computerized records. His registration remains lapsed in the state of Iowa, although he is registered in Georgia.
3. The Board received an inquiry in April 2011 about a set of plans sealed by Mr. Finney and submitted to city building officials. Apparently using an old seal stamp, Mr. Finney sealed plans for this Iowa project in 2011. Respondent does not dispute his error.
4. The Board charges Respondent with practicing architecture on a lapsed registration in violation of Iowa Code sections 272C.10(3), 544A.1, and 544A.10, and 193B Iowa Administrative Code 2.5(1)(g), 2.9, and 4.1(5)(c).
5. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing. Respondent understands that in addition to the Board's authority to discipline persons holding lapsed registrations, the Board is authorized under Iowa Code section 544A.15 to pursue civil penalties based on unlicensed practice.

B. Settlement Agreement and Consent Order

6. 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.

7. 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.

8. 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.

9. 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).

10. 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.

11. 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.

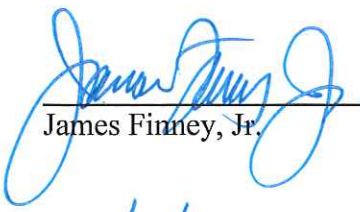
IT IS THEREFORE ORDERED:

- A. Respondent is reprimanded for practicing architecture on a lapsed registration.
- B. Respondent shall pay a civil penalty of \$1,000 within 30 days of the date this Consent Order is signed by all parties.
- C. Respondent shall not practice architecture in the state of Iowa until he reinstates his lapsed Iowa registration.
- D. Respondent shall be responsible for re-sealing the plans at issue, which he may only do if he first reinstates his Iowa registration. If he elects not to reinstate his lapsed Iowa registration, he shall take all steps necessary to provide an Iowa registered architect with the information needed for that architect to assume "direct supervision and responsible charge" of the work, as defined in Iowa Code section 544A.16(5). Merely reviewing the work product of another is insufficient. Respondent shall verify compliance with this provision within 60 days of the date this Consent Order is signed by all parties

AGREED AND ACCEPTED:

The Respondent

**The Iowa Architectural
Examining Board**



James Finney, Jr.



By: Martha Green, Chair

09/14/11
Date

13 SEPTEMBER 2011
Date