

88-03

IOWA DISTRICT COURT IN DUBUQUE COUNTY

FILED

ARCHITECTURAL EXAMINING BOARD, * AM 11 37

89 JUN '8 No. 47190

Petitioner, * CLERK OF DIST. COURT
DUBUQUE CO. IOWA

v.

ROBERT A. HARTIG, *

PETITION
FOR INJUNCTION

Respondent. *

COMES NOW the Petitioner, Architectural Examining Board, by and through the undersigned counsel, and in support of this petition states:

1. That the Petitioner, Architectural Examining Board (Board), is a professional licensing regulation board established pursuant to Iowa Code Ch. 118, with its main office at 1918 S.E. Hulsizer, Ankeny, Iowa.

2. That the practice of architecture affects the public health, safety, and welfare and is subject to regulation and control in the public interest by the Petitioner-Board. Iowa Code § 118.1.

3. That the Petitioner-Board has jurisdiction over registered architects in this state and over any person who engages in the unlawful practice of architecture including the offer to engage in the practice of architecture, use of the title "architect" or use of any symbol or description tending to convey the impression that the person is an architect or is engaged in the practice of architecture unless the person is registered in Iowa. Iowa Code § 118.15.

4. That the Respondent, Robert A. Hartig, is an individual residing in and working in Dubuque, Iowa.

5. That Respondent Hartig is not an architect registered in Iowa pursuant to Iowa Code Ch. 118.

6. That the Respondent uses and has used the term "Architect" and "Architect (Illinois) #001-012194" in his signature block in professional correspondence, in violation of Iowa Code Ch. 118.

7. That the Board in its discretion and in lieu of prosecuting a first offense violating Iowa Code Ch. 118 may "enter into a

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consent agreement with a violator, ...which acknowledges the violation and the violator's agreement to refrain from any further violations". Iowa Code § 118.15.

8. That Respondent Hartig refuses to enter into a consent agreement which acknowledges the violations and his agreement to refrain from any further violations and that Petitioner's repeated attempts to elicit Hartig's cooperation in this matter have been fruitless.

9. That no petition for injunctive relief by the Petitioner against the Respondent has been previously presented to and refused by any court or justice.

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WHEREFORE, Petitioner respectfully requests that the Court set time and place for hearing, prescribe notice and upon hearing enter an order enjoining Respondent from using in any manner the term "architect" in any form as applied to him and from implying in any manner that he is an architect or is engaged in the practice of architecture, from any other violations of Iowa Code Ch. 118, for such other and further relief as shall seem just and equitable and for costs to be taxed to Respondent.

Respectfully submitted,

THOMAS J. MILLER
Attorney General of Iowa



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ATTORNEYS FOR PLAINTIFF

88-03

THE IOWA DISTRICT COURT

DUBUQUE COUNTY

ARCHITECTURAL EXAMINING BOARD,

LAW
EQUITY

No. 47190

Plaintiff(s),

vs.

ROBERT A. HARTIG,

Defendant(s).

ORIGINAL NOTICE

TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified that there is now on file in the office of the clerk of the above court a petition in the above-entitled action, a copy of which petition is attached hereto. The plaintiff's(s)' attorney is (are) Kathy Mace Skinner, Assistant Attorney General whose address is 2nd Floor, Hoover Building, Des Moines, Iowa 50319.

You are further notified that unless, within 60 days following the filing of this notice with the secretary of state of the State of Iowa, you serve, and within a reasonable time thereafter file, a written special appearance, motion or answer, in the Iowa District Court for Dubuque County, at the courthouse in Dubuque, Iowa, default will be rendered against you by the court.



David G. Swanson *cmf*

CLERK OF THE ABOVE COURT
DUBUQUE

County Courthouse
DUBUQUE, Iowa 52001

AFFIDAVIT

State of Iowa :
County of Polk: : ss.

I, Marie Thayer, Executive Secretary of the Architectural Examining Board, do verily depose and state:

1. That the practice of architects affects the public health, safety and welfare and is subject to regulation by the Iowa Architectural Examining Board. Iowa Code Ch. 118.
2. That I have access to and am custodian of state records identifying individuals who are registered architects in Iowa pursuant to Iowa Code Ch. 118.
3. That Robert A. Hartig is not of this date a registered architect in Iowa pursuant to Iowa Code Ch. 118.
4. That the Architectural Examining Board has a duty and authority to prohibit any unlawful practice of architecture in Iowa, including the use of the word "architect" in a title of an unregistered architect. Iowa Code § 118.15.
5. That Robert A. Hartig has, in fact, used the title "architect" and "architect (Illinois) #001-012194" in his title as evidenced by the attached documents marked as exhibits 1 and 2.
6. That the Architectural Examining Board authorized counsel to petition the court to restrain Robert A. Hartig from using the word "architect" in any manner in his title and to restrain him from any action implying that he is a registered architect in this state.

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7. That any continuing representations or implications by Robert A. Hartig, that he is a registered Iowa Architect, until such time, if ever, that he becomes registered, will greatly injure the Architectural Examining Board and is antithetical to the public interest in regulating the practice of architecture.

Marie Thayer
MARIE THAYER

Subscribed and sworn to before me, a Notary Public in and for the State of Iowa, this 6th day of June, 1989.

Frances A. Carey
NOTARY PUBLIC

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