

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

IN THE MATTER OF:)	Case No. 18-23
)	
James C McCrery II)	
Architect license 07671)	STATEMENT OF CHARGES
)	AND CONSENT ORDER IN
900 Massachusetts Avenue, NE)	DISCIPLINARY CASE
Washington, DC 20002)	
)	
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 (2018).
2. Respondent applied for licensure as an architect in Iowa in September 2018.
3. The online application form asks if the applicant "Have you ever had a professional license of any kind revoked, suspended, cancelled, or otherwise disciplined by a licensing board or agency of any state or a federal agency?" There are radial buttons for "Yes" and "No." The Respondent answered "No."
4. As part of the application process, the Board receives a record from the National Council of Architectural Registration Boards (NCARB), which lists the applicant's professional history, exams, and education. The NCARB record showed the Respondent had been disciplined by the Texas Board of Architectural Examiners in case number 029-17A in June 2017 and by the Colorado State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors in complaint number 2017-4291 in August 2017.
5. Respondent provided erroneous information on his application, which is a violation of Iowa Code section 544A.25(2)(b). The Board may deny an application based on a misstatement of this nature. Instead, the Board issued Respondent a license, but is now subjecting him to discipline based on his misstatement. Providing truthful information is important in the application process and more generally in the practice of architecture.
6. Respondent is charged with violating section 544A.25(2)(b). Misstatements of this nature are also considered a practice harmful or detrimental to the public under Iowa Code sections 272C.10(3) and 544A.13(1)(c). See also 193B Iowa Administrative Code §§ 4.1(4), 4.1(5).

7. The Board considers all such misstatements serious matters, but there is a mitigating factor here as the nature of the disciplinary actions would not have resulted in a denial of the application if properly disclosed.

8. 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

9. 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 rule 7.4. Respondent acknowledges he had the opportunity to consult with legal counsel before signing this Consent Order.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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:

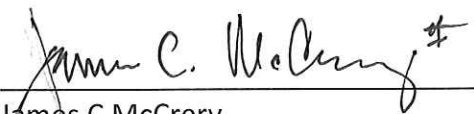
A. Reprimand

Respondent is reprimanded for failing to disclose prior discipline in his application for registration.

B. Future Compliance

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

The Respondent

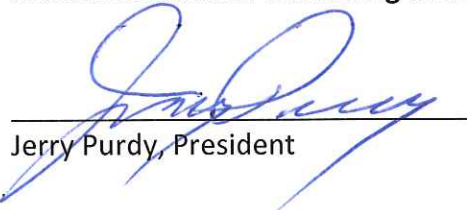


James C McCrery

2 / January 2019

Date

Iowa Architectural Examining Board



Jerry Purdy, President

3.28.19

Date