

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

IN THE MATTER OF:)	Case No. 17-10 12.
)	
Frank D. Mileto)	
Architect registration 06236)	STATEMENT OF CHARGES
)	AND CONSENT ORDER IN
14 Beaver Brook Drive)	DISCIPLINARY CASE
Long Valley, NJ 07853)	
)	
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 (2017).

2. Respondent applied for renewal of his license as an architect in Iowa in June 2011, June 2013 and June 2015.

3. The online renewal application form asks if, since the last renewal, has the applicant had a "disciplinary action of any type or been denied licensure/registration by any state board, including Iowa, or similar licensing body, in any governmental agency or jurisdiction?" There are radial buttons for "Yes" and "No." If the Respondent would have answered "No," the system would have made note, locked the online renewal, and prompted him to submit a paper renewal. Since the online renewals were completed, he must have answered "No." However, he should have answered yes in at least two of the renewal cycles. There are no board records that show the Respondent notified the board of this discipline.

4. Respondent had in fact been disciplined for not disclosing disciplinary actions in New York and Minnesota by the North Carolina Board of Architecture, Case Number 981 in 2014. Respondent was disciplined for practicing professional engineering without a license by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design, Board File Number 2010-0035 and Board File Number 2010-0039 in 2011.

5. Respondent has prior discipline in Iowa for not disclosing discipline (Case 09-02) in 2009.

6. Respondent provided erroneous information on at least one of his renewal applications, 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 renewed the

Respondent's 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.

7. 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).

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 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. Civil Penalty

Respondent agrees to pay a civil penalty in the amount of five hundred dollars (\$500). This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the Iowa Architectural Examining Board, Iowa Professional Licensing Bureau, 200 E. Grand Ave, Ste. 350, Des Moines, IA 50309 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.

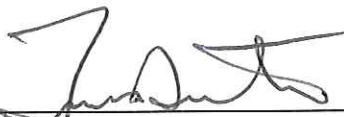
B. Reprimand

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

C. Future Compliance

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

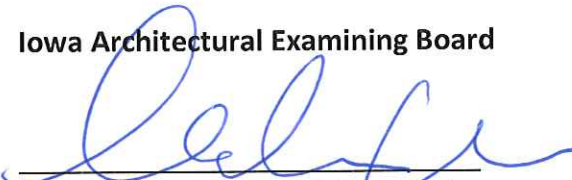
The Respondent



Frank D. Mileto

9 AUG 2017
Date

Iowa Architectural Examining Board



Linda Alfson Schemmel, President

11.14.17
Date