

FILED 4/10/98 (Date)
Arch. Examining
Board/Commission
Jende Jones
Signature, Executive Officer

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

IN THE MATTER OF:)
STEPHEN ABEND)
Abend Singleton Assoc. Inc.)
1200 Grand)
Kansas City, MO 64106)

CASE NO. 97-12
SETTLEMENT AGREEMENT
AND CONSENT ORDER

RESPONDENT

The Iowa Architectural Examining Board (Board) and Stephen Abend (Respondent) enter into this Settlement Agreement and Consent Order (Order), pursuant to Iowa Code sections 17A.10 and 544A.29 (1997) and 193B IAC 5.7:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 544A, and 272C (1997).
2. Respondent is a registered architect in Iowa.
3. Respondent does not contest the Statement of Charges to be filed with this Order.
4. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following contested case hearing.
5. 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.

6. 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 disciplinary action to be imposed in the event of any future violations.

7. This Order and the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (1997).

8. Failure to comply with the provisions of this Order shall be considered prima facie evidence of a violation of Iowa Code section 544A.13(3) (1997), and shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (1997). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

9. This Agreement is subject to approval of the Board:

(a) If the Board fails to approve this Agreement, 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 Agreement, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

A. Reprimand

The Respondent is reprimanded for practicing architecture while his registration was lapsed and failing to obtain Board authorization for his firm to practice architecture as a business entity.

B. Remedial Action

Respondent shall file by January 30, 1998, an application for Board authorization

for his firm to practice architecture in Iowa. Respondent shall also provide the Board a list by January 30, 1998, of all Iowa plans or other documents which he sealed and/or certified while his registration had lapsed. Respondent shall reseal/recertify all such documents and provide proof of compliance no later than March 1, 1998. Respondent agrees to comply with all Iowa laws and regulations in the future.

C. Civil Penalty

Respondent agrees to pay a civil penalty of five hundred dollars (\$500.00) by January 30, 1998.

Agreed:

Iowa Architectural Examining Board



By: Glen Huntington, Chair

Date 4-10-98



Stephen Abend

Date 1-27-98

BEFORE THE IOWA ARCHITECTURAL EXAMINING BOARD
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IN THE MATTER :)
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STEPHEN ABEND)
Abend Singelton Assoc. Inc.)
1200 Grand)
Kansas City MO 64106)
)
Respondent)

Case No. 97-12

STATEMENT OF CHARGES

COMES NOW the Complainant, Glenda Loving, and states:|

1. The Complainant is the Executive Secretary of the Iowa Architectural Examining Board and files these charges solely in her official capacity.
2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 544A (1997).
3. The Board issued the Respondent, Stephen Abend, Iowa registration number 3173 on October 28, 1991.
4. Respondent's registration lapsed on June 30, 1994, and was reinstated on October 10, 1997.
5. Respondent continued to perform architectural services in Iowa and held himself out as an architect in Iowa while his registration had lapsed.
6. Respondent has not obtained Board authorization to operate his firm as a business entity in Iowa, as required by Iowa Code section 544A.21 (1997):

COUNT I

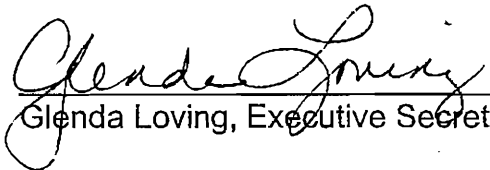
Respondent is charge with unethical conduct and a practice harmful or detrimental to the public in violation of Iowa Code sections 272C.10(3), 544A.1,

544A.10, 544A.13(3), 544A.29 (1997), and 193B IAC 4.1(4)(c), when he practiced architecture and held himself out as an architect while his registration had lapsed.

COUNT II

Respondent is charged with failure to secure Board authorization for his firm to perform architectural services in Iowa as a business entity in violation of Iowa Code sections 272C.10(3), 544A.13(3), and 544A.21 (1997), and 193B IAC 2.1(3).

WHEREFORE, the complainant prays that a hearing be held in this matter and that the Board take such action as is deems appropriate under the law.



Glenda Loving, Executive Secretary

FINDING OF PROBABLE CAUSE

On December 15, 1997 the Iowa Architectural Examining Board found probable cause to file this Statement of Charges and to order a hearing be set in this



Glen Huntington Chair