

FILED 1-17-19 (Date)

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

Architecture
Board / Commission
[Signature]
Signature, Executive Officer

IN THE MATTER OF:)	Case No. 18-13
)	
Dennis T. Mitchell)	
Architect license 03353)	STATEMENT OF CHARGES
)	AND CONSENT ORDER IN
DTM Architect)	DISCIPLINARY CASE
6031 West 1-20, Suite 260)	
Arlington, TX 76017)	
)	
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 2007, June 2009, and June 2011.
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 "Yes," 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 "Yes." However, he should have answered "Yes" in at least two of the renewal cycles.
4. Subsequent to receiving Respondent's licensure application, the Board discovered that Respondent had been disciplined by the Nevada State Board of Architecture, Interior Design and Residential Design, Case 06-051R signed January 2007; Vermont Board of Architects, Case AR 01-0407, signed February 2008; Florida Board of Architecture and Interior Design, Case 2007-007781, signed June 2008; New Hampshire Board of Architects, Case 02220, signed September 2008; Washington State Board for Architects, Case 2007-03-0400-00ARC, signed March 2009; Pennsylvania State Architects Licensure Board, Case 1235-41-09, signed February 2010; and Missouri Board For Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects, Case 2007-000833, signed December 2010. When asked why he had not disclosed this information on his renewal applications, Respondent claimed he contacted the board via letter in September 2008. However, there are no board records that show the Respondent notified the board of this discipline.

5. 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.

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).

7. 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

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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

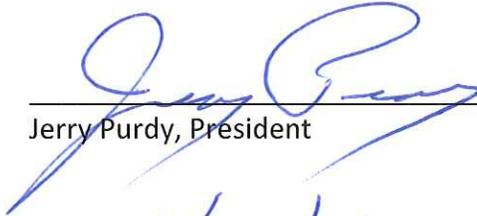


Dennis T. Mitchell

12-17-18

Date

Iowa Architectural Examining Board



Jerry Purdy, President

1/17/19

Date