

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

**IN THE MATTER OF:**

**Gene Swanson  
NuTek Builders  
107 Westhaven Court  
Forest City IA 50436**

**Respondent**

**Case No. 05-23**

**CONSENT ORDER**

Department of Commerce  
Professional Licensing Bureau

**FILED 9 April 2007 (Date)**

*Architectural  
Examining Board*  
*[Signature]*  
Signature, Executive Officer

The Iowa Architectural Examining Board (Board) issued the attached Notice pursuant to Iowa Code section 544A.15 (2005) advising Respondent of its intent to impose a civil penalty. The Board and Respondent now agree to the entry of the following Consent Order:

1. Respondent, Gene Swanson, d/b/a NuTek Builders, Inc. offered a proposal to design and build a 2,400 square foot, one story building on land owned by NuTek, Inc. and then sell the land and building to Winnebago County for specific use as a county office housing the Winnebago County Public Health Nurses, a government entity.
2. Respondent now understands such services must be provided by a registered architect or professional engineer unless an exception delineated in Iowa Code section 544A.18 applies. Respondent voluntarily agreed to the Board's offer that he resolve this first-time complaint by retaining a design professional to review the building as designed and constructed.
3. Respondent retained a registered architect to review the extent to which the structure as designed and constructed satisfies health, life, safety and welfare concerns including but not limited to the following:
  - (a) Compliance with applicable Code requirements;
  - (b) Structural compliance; other than the matters covered by plans which might have been certified by a professional engineer;
  - (c) Mechanical, ventilation; plumbing, and electrical compliance;
  - (d) Fire resistivity;
  - (e) Handicap accessibility; and,
  - (f) Proper ingress and egress patterns.
4. Following issuance of the architect's report, Respondent assured all needed items were altered or corrected, as verified by the retained architect.
5. The Board has offered this option in an effort to ensure that the structure as designed and constructed appropriately serves the public interest. Additionally, it is the first occasion that this Respondent has come before the Board.

6. Respondent has a right to a hearing on imposition of civil penalties, but waives the 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 an Order entered following contested case hearing.

7. 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.

8. This Order shall be part of the permanent record of the Respondent and shall be considered by the Board in determining the nature and severity of any future action in the event of future violations.

9. This Order and the Notice of the Board's Intent to Issue Order are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2007).

10. This Order is subject to approval by the Board:

(a) If the Board fails to approve the Order, it shall be of no force and effect on either party, and it shall not be admissible for any purpose in further proceedings in the matter.

(b) If the Board approves this Order, it shall fully dispose of all issues in this case, subject to the terms of paragraph 5.

**IT IS THEREFORE ORDERED** that Respondent and employees will in the future refrain from engaging in the practice of architecture in Iowa, as defined by Iowa Code section 544A.16(9), or representing to the public any availability or authority to do so without authorization as an architectural firm or, if applicable, individual registration to practice architecture

**AGREED:**

**Gene Swanson, NuTek Builders**

  
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By: Gene Swanson

Date 3/30/07

**The Iowa Architectural Examining Board**

  
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Martha Green, Chair

Date 9 APRIL 2007