

BEFORE THE ARCHITECT
OF THE STATE

ARCHITECTURAL EXAMINING BOARD
OF IOWA

Department of Commerce
Professional Licensing Bureau

FILED

1/8/08 (Date)

Architectural Examining Board/Commission

Jennifer L. Young
Signature, Executive Officer

IN THE MATTER OF:

Case No. 07-20

Perry Poyner
Architect registration # 03214
Alley Poyner Macchietto Architecture
1213 Jones Street
Omaha NE 68102

COMBINED STATEMENT OF
CHARGES AND CONSENT ORDER
IN DISCIPLINARY CASE

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(2005).
2. Respondent was issued Iowa registration number 3214 on the 27th day of March, 1992. The registration currently is active and will next expire on the 30th day of June, 2009.
3. Respondent is a registered architect in the state of Iowa. His registration lapsed on June 30, 2007. Respondent agrees he performed architectural services in Iowa after his registration lapsed. Respondent reinstated his lapsed on registration on November 7, 2007.
6. Following investigation, the Board charges Respondent with practicing architecture and holding himself out as an architect in Iowa after his registration had lapsed.
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 7.4.
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 (2005).

12. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2005). 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 practicing architecture with a lapsed registration.

B. Civil Penalty

Respondent shall pay a \$1000.00 civil penalty no later than December 31, 2007.

C. Remedial Orders

(1) By December 31, 2007, Respondent shall mail written notice to all clients for whom he performed architectural services in the state of Iowa from and after July 1, 2007. The notice shall advise the client that Respondent's registration was lapsed when the services were provided. Copies of the letters shall be submitted to the Board no later than January 31, 2008.

(2) Respondent shall recertify and reseal, as applicable, all documents certified or sealed while his registration was expired. Respondent shall provide proof of compliance no later than January 31, 2008.

D. Future Compliance

Respondent shall in the future adhere to all statutes and administrative rules in the practice of architecture.

AGREED AND ACCEPTED:

The Respondent

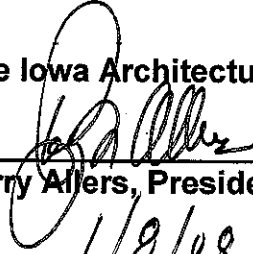


Perry Poyner

Date

Dec. 28, 2007

The Iowa Architectural Examining Board



Terry Allers, President

Date

1/8/08