

BEFORE THE ARCHITECTURAL EXAMINING BOARD
OF THE STATE OF IOWA

IN THE MATTER OF:)	
)	CASE NO.
)	02-01A
SCULLEY INDUSTRIAL DESIGN, and)	CEASE AND DESIST
Ennis Sculley, an individual,)	AGREEMENT
RESPONDENTS)	

The Iowa Architectural Examining Board ("Board") and Sculley Industrial Design, and Ennis Sculley, an individual, (collectively "Respondents"), enter into the following Cease and Desist Agreement pursuant to Iowa Code section 544A.15(4) (2001):

1. In 2001, Respondents provided design services (preliminary plans, specifications) in connection with the Church of Christ in Muscatine, Iowa, which exceeds 2,000 square feet in gross floor area. The Board received a complaint alleging the unlicensed practice of architecture.

2. Sculley Industrial Design is not authorized to practice architecture in the state of Iowa, pursuant to Iowa Code section 544A.21, and Ennis Sculley is not a registered architect.

3. The building does not fall into any of the exemptions described in Iowa Code section 544A.18, and accordingly should have been designed by a registered architect pursuant to Iowa Code sections 544A.1 and 544A.16(9).

4. A licensed professional engineer did assume responsible charge of exterior plans, but no interior plans were prepared by the engineer.

5. Respondents agree that in the future they will not prepare plans, specifications, bid documents or other technical submissions as those terms are defined in Iowa Code subsections 544A.16(9), (10), and (14) (2001), unless the technical submissions are prepared in connection with a building or structural modification to a building which, pursuant to Iowa Code section 544A.18, may be designed by persons who are not registered architects or professional engineers.

6. Among the professional services Respondents shall not provide in the future for nonexempt buildings are: preliminary or final floor plans, construction bid specifications, consultation regarding compliance with applicable Code requirements (including mechanical, ventilation, plumbing, equipment, electrical, and fire resistivity), structural compliance with applicable Codes and professional standards, handicapped accessibility, ingress and egress patterns, and other professional services involving the life, health and safety of the public.

7. More generally, Respondents and their officers, directors, owners and employees, will in the future refrain from engaging in the practice of architecture in Iowa, as defined in Iowa Code section 544A.16(9), or representing to the public any ability or authority to perform architectural services, except

through a business entity authorized to practice architecture in Iowa or, as applicable, individual registration as an architect in Iowa.

8. Respondents have cooperated with the Board's investigation and have not been the subject of any prior complaints. As provided in Iowa Code section 544A.15(4), the Board exercises its discretion to enter into this Cease and Desist Agreement in lieu of a prosecution. Once fully executed, this Agreement fully resolves the pending investigation. The Board will consider any violation of this Agreement in the future, however, in determining whether to commence an action for civil penalties or take such other action as is authorized in Iowa Code section 544A.15.

9. This Agreement is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2001).

AGREED:

Sculley Industrial Design and,
Ennis Sculley, individual

Ennis Sculley SCULLEY INDUSTRIAL DESIGN Date 11/12/02
By: Ennis Sculley, individually Sculley Industrial Design

The Iowa Architectural Examining Board

Kevin W. Monson Date 1/14/03
By: Kevin W. Monson, Chair

Department of Commerce
Professional Licensing and Regulation Division

FILED 10/23/02 (Date)

Architectural Examining Board

Board/Commissioner

Glenda [Signature]
Signature, Executive Officer