

BEFORE THE ARCHITECTURAL EXAMINING BOARD  
OF THE STATE OF IOWA

FILED 10/26/98 (Date)

Arch  
Board / Commission

IN THE MATTER OF:

TOM WITT, CONTRACTOR, INC.  
2021 570th Street  
Newell, Iowa 50568

CASE NO. 9819

CONSENT ORDER

*Glenn J. Lewis*  
Signature, Executive Officer

RESPONDENT

The Iowa Architectural Examining Board (Board) issued the attached Notice pursuant to Iowa Code Supp. section 544A.15 (1997) advising Respondent of its intent to impose a civil penalty. The Board and Respondent agree to the entry of the following Consent Order which, if fully-satisfied, will resolve all issues in this case without hearing:

1. Respondent agrees it provided design services in connection with the 1998 addition to the Zion Lutheran Church in Storm Lake, Iowa.
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.
3. Rather than proceed immediately to hearing, Respondent agrees to retain, at its expense, a registered architect to be pre-approved by the Board, to complete a written report creating a floor plan (if one does not exist) and reviewing 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 the plans certified by professional engineers;

- (c) Mechanical, ventilation, plumbing, and electrical compliance;
- (d) Fire resistivity;
- (e) Handicapped accessibility; and,
- (f) Proper ingress and egress patterns.

The Board has offered this option in an effort to ensure that the structure as designed and constructed appropriately serves the public interest. Additionally, this is the first occasion this Respondent has come to the Board's attention.

4. Respondent agrees to submit the name of a registered architect for approval within thirty (30) days of this Order. Respondent shall supply the written floor plans and architect's written report to the Board by December 15, 1998.

5. The Board shall consider the matter fully-resolved if (1) the report concludes the design as constructed satisfies applicable health, life, safety, and welfare concerns, or (2) the Respondent takes all steps reasonably needed to comply with the recommendations of the final report within thirty (30) days of the issuance of the report. Verification of compliance shall be supplied through a follow-up report by the architect retained by Respondent, if applicable. The Board will consider all reasonable requests for extensions if timely made and supported by adequate demonstration of good faith compliance. If the Respondent does not demonstrate adequate good faith compliance, the Board may declare a default and set the case for hearing for determination of whether to impose a civil penalty or take such other actions as are allowed by law.

6. Respondent has a right to a hearing on the imposition of civil penalties, but waives its 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. If, however, the Board declares a default, pursuant to paragraph 5, the Board will set a hearing on the imposition of a civil penalty.

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 Respondent and shall be considered by the Board in determining the nature and severity of any future action in the event of any future violations.

9. This Order and the Notice of Board's Intent to Issue Order are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (1997).

10. 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, subject to the terms of paragraph 5.

**IT IS THEREFORE ORDERED:**

(A) Respondent shall comply with the provisions of this Order. If compliance is satisfactory, no civil penalty will be assessed against the Respondent.

(B) Respondent and its 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 represent to the public any ability or authority to do so

without authorization as an architectural firm or, if applicable, individually registered to practice architecture in Iowa.

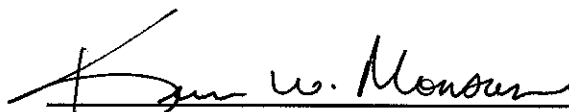
**AGREED:**

**Tom Witt, Contractor, Inc.**

  
By: Tom Witt, President

Date 10/8/98

**The Iowa Architectural Examining Board**

  
By: Kevin W. Monson, Chair

Date 10/26/98