ORIGINAL

BEFORE THE IDAHO BOARD OF ARCHITECTURAL EXAMINERS

STATE OF IDAHO

In the Matter of the License of:	)	
	)	Case No. ARC-2010-10
MIKE R GILBERT,	)	
License No. AR-1578,	)	**NOTICE OF VIOLATION AND**
	)	**SETTLEMENT ORDER RE:**
Respondent.	)	**CONTINUING EDUCATION**
	)	

NOTICE OF VIOLATION:

You are hereby notified that, based upon the audit by the Bureau of Occupational Licenses of your continuing education records for the year before renewal of your license on November 11, 2008, you have not met the following continuing education requirements adopted by the Idaho Board of Architectural Examiners under the authority of Idaho Code § 54-312 as follows:

☒ 8 hours of Board-approved instruction in health, safety and welfare during the one-year period before renewal of your license, as required by Rule 450, IDAPA 24.01.01.450. Your audit shows only 0 of qualifying instruction were submitted as having been taken during this one-year period, leaving you a deficiency of 8 hours for this period.

If you accept the allegations of this Notice of Violation and wish to settle this matter under the terms below, please sign and return this document on or before **December 22, 2009,** to:

Idaho Bureau of Occupational Licenses
Owyhee Plaza
1109 Main Street, Suite 220
Boise, ID 83702-5642

TERMS OF SETTLEMENT:

1. This settlement is a disciplinary action. I have read, understand and admit the violation(s) set forth above. I further understand that this settlement constitutes cause for disciplinary action upon my license to practice architecture in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board's orders; the right to judicial review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of architecture in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this settlement as a resolution of the Notice of Violation.

3. I understand that in signing this settlement I am enabling the Board to impose disciplinary action upon my license without further process.

4. I agree to pay to the Board an administrative fine in the amount of Two Hundred Fifty and No/100 Dollars ($250.00) within thirty (30) days of entry of the Board's Order accepting this settlement.

5. I agree to pay to the Board its costs in bringing this matter in the amount of One Hundred and No/100 Dollars ($100.00) within thirty (30) days of entry of the Board's Order accepting this settlement.

6. If I have not already done so, I will make up my deficiency of 8 continuing education hours in health, safety and welfare within ninety (90) days of the entry of the Board's Order accepting this settlement.

7. When I renew my license in 2010 and 2011, I will submit with my License Renewal Application documentation verifying completion of the required continuing education.

8. I agree that my license shall be placed on probation for a period of two (2) years from the date of entry of the Board's Order. The conditions of probation are as follows:

a. I shall comply with all state, federal and local laws, rules and regulations governing the practice of architecture in the State of Idaho.

b. I shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

c. If I leave Idaho for three (3) continuous months, or reside or practice outside of the state, I must notify the Board in writing of the dates of departure, address of intended residence or place of business, and whether I intend to return. Periods of time spent outside Idaho will not apply to satisfy this probationary period or excuse compliance with the terms of this Stipulation.

d. I shall fully cooperate with the Board and its agents, and shall make all relevant files, records, correspondence or other documents available immediately upon the demand of any member of the Board and its agents.

9. My violation of any of these terms may warrant further Board action. The Board retains jurisdiction over this matter until it is finally resolved according to its terms.

10. The Chief of the Bureau of Occupational Licenses will present this signed settlement to the Board. I understand that the Board may accept, modify with my approval, or reject this settlement, and that if the Board rejects this settlement, an administrative Complaint may be filed against me with the Board. I waive any right I may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this settlement. I do not waive any other rights regarding challenges to Board members.

11. If the Board rejects this settlement then, except for my waiver set forth in Paragraph 9, this settlement will be null and void, and admissions in this settlement will not be admissible at any subsequent disciplinary hearing.

DATED this 4 day of February, ~~2009~~ 2010.

Respondent

ORDER:

It is so ordered that this settlement be approved this 12 day of Feb, 2010.

IDAHO BOARD OF ARCHITECTURAL EXAMINERS

By
Board Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of February, 2010, I caused to be served a true and correct copy of the foregoing by the following method to:

Mike R. Gilbert
1620 Gerald Avenue
Missoula, MT 59801

- [x] U.S. Mail
- [ ] Hand Delivery
- [x] Certified Mail, Return Receipt Requested
- [ ] Overnight Mail
- [ ] Facsimile: _____

Tana Cory, Chief
Bureau of Occupational Licenses