**BEFORE THE BOARD OF ARCHITECTURAL EXAMINERS**

**STATE OF IDAHO**

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| In the Matter of: | ) | |
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| ALEC STUART HOLSER, | ) | Case No. ARC-L1-01-96-011 |
| License No. AR-2288, | ) | |
| | ) | **CONSENT ORDER** |
| Respondent. | ) | |
| | ) | |

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WHEREAS, information having been received by the Idaho State Board of Architectural Examiners (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Alec Stuart Holser (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

**A.**

1. The Board may regulate the practice of architecture in the State of Idaho in accordance with title 54, chapter 3, Idaho Code.

2. Respondent Alec Stuart Holser is a licensee of the Idaho State Board of Architectural Examiners and holds license number AR-2288 to practice architecture in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 3, Idaho Code.

3. Respondent obtained his license to practice architecture in the State of Idaho on November 20, 1996.

4. On or about November 15, 1996, prior to being properly licensed, Respondent responded to the RFQ for the "Commons 7 Classroom Center" project at the University of Idaho by submitting test plans or sketch plans for the project.

5. Respondent's submission of test plans or sketch plans as described above constitutes the "practice of architecture" under Idaho Code § 54-309(c) and (d).

6. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of architecture, specifically Idaho Code §§ 54-301, 54-307(1), 54-310, 54-312(2)(b), and IDAPA 24.01.01.400.01. Violations of these laws and rules would further constitute grounds for disciplinary action against Respondent's license to practice architecture in the State of Idaho.

7. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against his license as set forth in Section C below.

**B.**

I, Alec Stuart Holser, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute 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 so testify myself; the right to reconsideration; the right to appeal; 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 stipulation as a resolution of the pending allegations.

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

**C.**

1. Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby Respondent shall pay an administrative fine of Five Hundred and No/100 Dollars ($500.00) to the Board within ten (10) days of his receipt of the Board's Order.

2. The violation of any of the terms of this stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this stipulation.

**D.**

1. It is hereby agreed between the parties that this settlement agreement shall be presented to the Board with a recommendation for approval from the Attorney General's Office at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept or reject this settlement agreement, and if rejected by the Board, a formal complaint may be filed against the Respondent. ~~Respondent hereby agrees to waive any right he may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this settlement agreement is rejected.~~ RZ

3. If the settlement agreement is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the settlement agreement will not be regarded as evidence against him at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the board and endorsed by a representative member of the Board.

I have read the above stipulation fully and I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I have consulted with an attorney on the acceptance of this Consent Order, and I am acting on such counsel's advice in accepting this settlement. I also understand that by its terms the Idaho State Board of Architectural Examiners will issue an Order on this stipulation whereby I will be ordered

to pay an administrative fine of $500.00 within 10 days of my receipt of the Board's Order. I agree to the above stipulation for settlement.

DATED this 15 day of June, 1998.

Alec Stuart Holser
Respondent

I concur in this stipulation and order.

DATED this 22nd day of June, 1998.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By
Roger L. Gabel
Deputy Attorney General

Pursuant to Idaho Code § 54-305, the foregoing is adopted as the decision of the Board of Architectural Examiners in this matter and shall be effective on the 7 day of JULY, 1998. **IT IS SO ORDERED.**

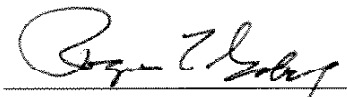
IDAHO STATE BOARD
OF ARCHITECTURAL EXAMINERS

By
Ernest Lombard, Chair

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11th day of July, 1998, I caused to be served a true and correct copy of the foregoing by placing a copy thereof in the United States Mail, postage prepaid, addressed to:

Roger L. Meyer
MEYER & WYSE, LLP
900 S.W. Fifth Avenue, Suite 1900
Portland, OR 97204



Roger L. Gabel
Deputy Attorney General