

BEFORE THE IOWA ARCHITECTURAL EXAMINING BOARD

In the Matter of the Petition for Waiver by: MICHAEL B. EMSICK Petitioner.	Case No.: W26-01 ORDER GRANTING PETITION FOR HARDSHIP EXCEPTION BY WAIVER
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Pursuant to Iowa Code § 17A.9A and 7 Iowa Administrative Code chapter 2504, the Iowa Architectural Examining Board (“Board”) hereby makes the following ruling on the Petition for Hardship Exception by Waiver submitted by Michael B. Emsick (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner is a current licensee of the Architectural Examining Board (License No. 06766). His Iowa license was first issued April 23, 2013, and it is currently active. He has no reportable disciplinary history. He explained that he has over 30 years of experience in this field.

2. Petitioner’s license was set to renew on June 30, 2026. That renewal would typically include a minimum of 24 continuing education hours (“CEHs”) for each renewal period. *See* Iowa Admin. Code r. 481—1063.3(1).

3. Prior to the renewal deadline, Petitioner requested a hardship exception, or—in the alternative—an extension on the deadline for completing his 24 CEHs.

4. At the time of his request, Petitioner had completed 5.75 of the 24 CEHs.

5. Petitioner provided materials documenting the various circumstances that affected him over the past few years. That included the injuries and cancer diagnosis he personally experienced, his wife’s cancer diagnosis, and his efforts to repair a property that was badly damaged by a storm.

6. Both Petitioner and his wife had to go through surgeries. Petitioner served as the primary caregiver for his partner throughout each of her cancer treatments and with his own health conditions added. His property was hit by two hurricanes, and it was rendered uninhabitable.

7. These documents included medical records, building photos, and proof of his past continuing education (“CE”) courses.

8. The Board reviewed Petitioner’s materials during the July meeting.

SUMMARY OF LAW

9. Pursuant to Iowa Code section 17A.9A, the Board may, in its sole discretion, issue an order waiving in whole or in part the requirements of a rule if the Board finds, based on clear and convincing evidence, all of the following:

- a. The application of the rule would pose an undue hardship on the person for whom the waiver is requested;
- b. The waiver from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person;
- c. The provisions of a rule subject to a petition for a waiver are not specifically mandated by statute or another provision of; and
- d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

10. “The burden of persuasion rests with the person who petitions an agency for the waiver of a rule.” *Id.* § 17A.9A(3). All four criteria must be met “based on clear and convincing evidence.” *Id.* § 17A.9A(2).

11. The Architectural Examining Board further specifies that “health” and “other good cause” would justify a hardship exception waiver, upon appropriate documentation. Iowa Admin. Code r. 481—1063.5(3).

PETITIONER HAS MET THE CRITERIA TO WAIVE RULE 481—1063.3(1)

Upon review of the Petition, the Board finds that Petitioner has satisfied the four criteria for a hardship exception by waiver under Iowa Administrative Code rules 481—1063.3(1) and 481—1063.5(3).

First, Petitioner meets the undue hardship requirement. The health concerns are severe—Petitioner and his wife each needed surgeries to remedy their respective ailments. Petitioner served as the primary caregiver for his wife while she was suffering from cancer. She required multiple surgeries. And Petitioner helped her through them despite his own diagnoses and chemotherapy. Then their property was hit by two hurricanes. It was rendered uninhabitable. These are no minor hardships, and they take a long time to recover from. They would justify an exception.

Second, a waiver would not prejudice the substantial legal rights of any person. There are no wholly required CE courses for all Architects. He has substantial experience and knowledge, and no one would be prejudiced by Petitioner not taking additional courses this year due to the hardships he experienced.

Third, the provisions of the rule are not mandated by statute or another non-waivable provision of law. *See* Iowa Code § 544A.10 (letting the Board prescribe renewal requirements); Iowa Admin. Code r. 481—1063.3(1) (incorporating hardship exceptions in the same subrule as the requirement).

Finally, the public health, safety, and welfare will be afforded by other means if this current waiver is granted. Petitioner has decades of experience behind his career, including items that preceded his time in Iowa. Petitioner has taken many courses over those years. The public health, safety, and welfare would not be harmed by him having fewer than 24 CEHs this specific renewal period.

ORDER

IT IS THEREFORE ORDERED the Petition for Hardship Exception by Waiver to the CEH requirement in 481 Iowa Administrative Code rule 1063.3(1) is hereby **GRANTED**. Accordingly, the Board decides the matter without answering Petitioner's alternative request to extend the time needed to complete 24 CEs.

Issued August 6, 2026.

A handwritten signature in black ink, appearing to read "Bethany Jordan", is written over a horizontal line.

Chair

Iowa Architectural Examining Board