

BEFORE THE IOWA ARCHITECTURAL EXAMINING BOARD

In the Matter of the Petition for Waiver by: DANIEL B. BOWERS Petitioner.	Case No.: W26-02 ORDER GRANTING PETITION FOR WAIVER
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Pursuant to Iowa Code section 17A.9A and 7 Iowa Administrative Code chapter 2504, the Iowa Architectural Examining Board (“Board”) hereby makes the following ruling on the Petition for Waiver submitted by Daniel B. Bowers (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner is a licensee of the Iowa Architectural Examining Board (License No. ARC08052). His Iowa license was first issued May 18, 2021, and it is currently lapsed. He has no reportable disciplinary history.

2. Petitioner’s license was set to expire on June 30, 2026.

3. On or about July 10, 2026, Petitioner requested that his license status be changed from “lapsed” to “retired.”

4. The Board used to have a separate category for “retired” licenses, but that status was merged into the “inactive” category in 193B Iowa Administrative Code chapter 2. *See* Iowa Admin. Code r. 481—1062.1 (2026).

5. The Board reviewed Petitioner’s materials during the July meeting. During that same meeting, the Board authorized rulemaking to re-add the “retired” license status into the new 481 Iowa Administrative Code chapter 1062.

SUMMARY OF LAW

6. 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.

7. “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).

PETITIONER HAS MET THE CRITERIA TO WAIVE RULES 481—1062.1, 481—1062.3(2), AND 481—1062.9.

Upon review of the Petition, the Board finds that Petitioner has satisfied the four criteria a waiver under Iowa Code section 17A.9A and 7 Iowa Administrative Code chapter 2504.

First, Petitioner meets the undue hardship requirement. Petitioner could face unnecessary hardships if someone were to misinterpret why his license is no longer active and he is not practicing. Inactive licenses also come with renewal processes and fees. People who have retired from the profession deserve to have their years of hard work recognized by title.

Second, a waiver would not prejudice the substantial legal rights of any person. Petitioner would not be providing architecture services in Iowa regardless of his license status.¹ This waiver will only affect how people interpret why he is no longer practicing. Additionally, anyone who is similarly situated could apply for their own waivers before the rules are changed to allow this status for everyone.

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, without forbidding a “retired” status).

Finally, the public health, safety, and welfare will still be protected if this current waiver is granted. There is no threat to the public by allowing someone to recognize his or her retirement.

ORDER

IT IS THEREFORE ORDERED the Petition for Waiver to use “retired” instead of “inactive” status in Iowa Administrative Code chapter 481—1062 is hereby **GRANTED**.

Issued August 7, 2026.



Chair

Iowa Architectural Examining Board

¹ The Board notes that “retired” status usually applies to someone who has retired from practice in *all* jurisdictions. That is how the Board has assessed this Petition. If Petitioner intends a different meaning to Item 2.6 in his Petition—such that he still intends to actively practice in other states—the Board would need another waiver to address that view, which has not been articulated by clear and convincing evidence on the face of the Petition.