BEFORE THE IOWA ARCHITECTURAL EXAMINING BOARD

In the Matter of the Petition for Waiver by: **SCOTT A. GUSTAFSON** Petitioner.	**Case No.: W26-03** **ORDER GRANTING PETITION FOR WAIVER**

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 Scott A. Gustafson ("Petitioner").

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner is a licensee of the Iowa Architectural Examining Board (License No. 06596). His Iowa license was first issued January 23, 2012, and it was marked as lapsed at the time of his application. He has no reportable disciplinary history.

2. On or about August 18, 2026, Petitioner requested that his license status be changed from "lapsed" to "inactive,"[1] which would normally come with additional continuing education requirements and fees after July 1.

3. The Board reviewed Petitioner's materials during the September meeting.

SUMMARY OF LAW

4. Pursuant to Iowa Code section 17A.9A,[2] 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 law; 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.

[1] The label applied here would be "inactive," as opposed to the separate "retired" status, still forthcoming by rule.
[2] Formerly located at 481 Iowa Administrative Code chapter 6.

5. "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), 481—1062.4, AND 481—1062.9.

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

First, Petitioner meets the undue hardship requirement. Petitioner would have additional education units (and fees associated with them), when his goal in using "inactive" status is to cease his practice while keeping a variant of his license.

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.

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 waiver toward license 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 a more accurate statement of his license without taking more education units to renew.

ORDER

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

Ordered as of September 9, 2026.



Chair
Iowa Architectural Examining Board