

**BEFORE THE ENGINEERING AND LAND SURVEYING EXAMINING BOARD
OF THE STATE OF IOWA**

IN THE MATTER OF:

**John J. Hart
P.O. Box 4945
Des Moines, IA 50306**

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CASE NO. 98-18

STATEMENT OF CHARGES

COMES NOW the Complainant, Gleen Coates, and states:

1. The Complainant is the Executive Secretary of the Iowa Engineering and Land Surveying Examining Board and files these charges solely in her official capacity.
2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C and 542B (1997).
3. On December 20, 1955 the Board issued the Respondent, Iowa professional engineering license number 3477.
4. Respondent's professional engineering license became inactive on November 26, 1996.

Count I

Respondent is charged with practicing professional engineering, including the certification of one or more engineering documents, while his license was in inactive status in violation of Iowa Code sections 272C.10(3), 542B.16, 542B.21(3)(1997), and 193C IAC 1.30 and 4.8(5).

Circumstances

1. Respondent certified a number of engineering documents between November 26, 1996 and August 25, 1998 while his license was in inactive status.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it deems appropriate under the law.

Gleean Coates, Executive Secretary

FINDING OF PROBABLE CAUSE

On November 19, 1998, the Iowa Engineering and Land Surveying Examining Board found probable cause to file this Statement of charges and to order a hearing be set in this case.

Nicholas R. Konrady, Chair

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**CASE NO. 98-18
CONSENT ORDER**

The Iowa Engineering and Land Surveying Examining Board (Board) and John J. Hart (Respondent) enter into this Settlement Agreement and Consent Order (Order), pursuant to Iowa Code section 17A.10 (1997) and 193C IAC 4.10:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 542B, and 272C (1997).
2. Respondent was issued a license to practice professional engineering in the state of Iowa, but renewed his license as inactive on November 26, 1996.
3. Respondent does not contest the Statement of Charges to be filed with this Order.
4. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following contested case hearing.
5. Respondent agrees the State's counsel may present this Order to the Board and may have ex parte communications with the Board while presenting it.
6. This Order shall be part of the permanent record of Respondent and shall

be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations. In addition, the Board shall advise the National Council for Examiners of Engineering and Surveying of the disposition of this matter.

7. This Order and the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (1997).

8. Failure to comply with the provisions of this Order shall be considered prima facie evidence of a violation of Iowa Code section 542B.21(3) (1997) and 193C IAC 4.2, and shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (1997). However, no action may be taken against Respondent for violations of these provisions without a hearing as provided in Iowa Code section 542B.22, or waiver of hearing.

9. This Agreement is subject to approval of the Board:

(a) If the Board fails to approve this Agreement, it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter.

(b) If the Board approves this Agreement, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

A. Reprimand

The Respondent is reprimanded for practicing professional engineering in Iowa while his license was in inactive status, and falsely representing himself to be properly

licensed when certifying engineering documents.

B. Civil Penalty

Respondent shall pay a civil penalty of five hundred dollars (\$500.00) to the Board by February 1, 1999.

C. Remedial Action

1. Respondent shall, by February 1, 1999, provide the Board a complete list of all engineering documents he certified in Iowa from November 26, 1996 until his license was reinstated as active on August 25, 1998.

2. Respondent shall, by April 1, 1999, re-certify, at his expense, all engineering documents which he certified while his license was inactive, and shall file an affidavit verifying his compliance with this provision.

3. Respondent shall, in the future, adhere to all statutes and administrative rules, including all rules of professional conduct, in the practice of professional engineering, and shall not offer to engage in the practice of professional engineering or practice professional engineering in Iowa unless properly licensed to do so.

Agreed:

Iowa Engineering and Land Surveying Examining Board

[Redacted Signature]

Date 2/18/99

By: Nicholas R. Konrady, Chair

[Redacted Signature]

Date 2/4/99

John J. Hart