

FILED 4/30/09 (Date)

IELSEB

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

Signature, Executive Officer

**IN THE MATTER OF:**

**TODD E HUJU  
PE#13401**

**RESPONDENT**

**CASE NO. 09-11**

**COMBINED STATEMENT OF CHARGES  
AND CONSENT ORDER**

**A. Statement of Charges**

1. The Iowa Engineering and Land Surveying Examining Board ("Board") has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 542B (2009).
2. Respondent is a licensed professional engineer in Iowa. He was issued license number 13401 on September 21, 1995. The respondent's professional engineering license lapsed December 31, 1998 and was reinstated to active status on March 13, 2009 and is scheduled to expire on December 31, 2010.
3. The Respondent submitted a reinstatement application on March 1, 2009 along with a \$200.00 reinstatement and licensing fee and documentation of sufficient professional development hours for reinstatement. The Respondent's license was reinstated on March 13, 2009.
4. On March 9, 2009, the Board received a letter from Kevin M Mahoney, PE, Highway Division Director at the Department of Transportation explaining that it had come to his attention on February 18, 2009, that Mr. Huju's professional engineer's license lapsed December 31, 1998.
5. The letter from Mr. Mahoney indicated that Mr. Huju has been an employee of the Iowa DOT since October 10, 1995, in several positions, all of which require Iowa licensure as a professional engineer.
6. The letter from Mr. Mahoney further explained that they have searched DOT records and have not located any Iowa DOT documents on which the Respondent had used his stamp or seal during the period that his license was lapsed.
7. Respondent is charged with practicing professional engineering while his license was lapsed in violation of Iowa Code sections 272C.10(3), 542B.16, 542B.21(3), and 193C IAC 6.1(542B) and 193C IAC 8.2(6).
8. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing.

## B. Settlement Agreement and Consent Order

9. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order. This Consent Order constitutes discipline against the Respondent, and is the final agency order in the contested case, pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.

10. 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.

11. 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 future disciplinary action to be imposed in the event of any future violations.

12. This Combined Statement of Charges and Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2009).

13. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2009). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

14. This Order is subject to approval of the Board:

(a) If the Board fails to approve this Order, 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 Order, 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 lapsed.

**B. Civil Penalty.** Respondent shall, by **July 31, 2009**, pay a civil penalty of **\$1000** to the Board.

### **C. Remedial Action**

1. Respondent shall, by **July 31, 2009**, provide to the Board a list of any engineering documents he certified in Iowa between December 31, 1998 when his Iowa license lapsed, and March 13, 2009, when his license was reinstated to active status.

2. Respondent shall, by **July 31, 2009**, ensure that all documents he certified while his license was lapsed are re-certified, at his own expense, and shall file an affidavit verifying his compliance with this provision.

3. Respondent shall complete the **60 PDH** correspondence course offered by the Murdough Center for Engineering Professionalism, College of Engineering, Texas Tech University and provide a copy of the certificate of completion to the Board by **December 31, 2009**.

4. 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 AND ACCEPTED:**

  
\_\_\_\_\_

Respondent

Date 4-21-2009

**The Iowa Engineering and Land Surveying Examining Board**

  
\_\_\_\_\_

By: Christy VanBuskirk, PE, Chair

Date 4/30/2009