

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

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|--|---|-------------------------------|
| <b>IN THE MATTER OF:</b>               | ) |                               |
|  | ) | <b>CASE NO. 97-02</b>         |
| <b>WESTBROOK ASSOCIATED ENGINEERS,</b> | ) |                               |
| <b>INC., FREDERICK G. GRUBER, and</b>  | ) | <b>CEASE AND DESIST ORDER</b> |
| <b>GERALD C. KINTZ</b>                 | ) | <b>BY STIPULATION</b>         |
| <b>619 E. Hoxie Street</b>             | ) |                               |
| <b>Spring Green, WI 53588</b>          | ) |                               |
|  | ) |                               |
| <b>RESPONDENTS.</b>                    | ) |                               |

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The Iowa Engineering and Land Surveying Examining Board (Board) and Respondents stipulate to the following Cease and Desist Order pursuant to Iowa Code § 542B.24 (1997):

1. Westbrook Associated Engineers, Inc. (Westbrook) submitted a Traffic Impact Study to Medical Associates Clinic, P.C. for its Dubuque, Iowa medical clinic in 1994. The report identifies Frederick G. Gruber as a "P.E." and describes Gerald C. Kintz as a "Design Engineer."

2. Neither Mr. Gruber nor Mr. Kintz is licensed as a professional engineer under Iowa Code chapter 542B (1997). The study in question involves the practice of professional engineering. Mr. Gruber affixed his Wisconsin seal to the study.

3. Westbrook was not owned or managed by, but did employ a professional engineer licensed under Iowa Code chapter 542B (1995), in 1994 when the Traffic Impact Study was completed.

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4. The Board is authorized by Iowa Code § 542B.24 to seek an injunction in district court enjoining any person who is not legally authorized to practice professional engineering in Iowa from engaging in such practice or advertising the availability of such services to the public. As of July 1, 1996, the Board is also authorized to impose a civil penalty upon nonlicensees for the same violations, pursuant to Iowa Code section 542B.27 (1997).

5. The requirements for the practice of professional engineering by firms is described in Board Rule 193C IAC 4.7 as follows:

A firm shall not directly or by implication offer professional engineering services to the public unless it is owned or managed by, or regularly employs, one or more licensed professional engineers who directly control and personally supervise all professional engineering work performed by the firm. . . . A firm may not satisfy these requirements by hiring a licensed professional engineer. . . on an as-needed, occasional, or consulting basis, whether an employee or independent contractor.

6. The Board has determined that Westbrook has offered professional engineering services to the public in violation of Iowa's laws. Additionally, Gruber and Kintz practiced professional engineering in Iowa without proper licensure.

7. The Board and Respondents have agreed to informally resolve the pending dispute. In the event this Stipulation is violated, it may be used as evidence against the party violating the agreement, although all parties understand that violations must be enforced by filing a petition in district court seeking an injunction, or imposing civil penalties through administrative procedures.

8. Westbrook agrees it will not in the future engage in the practice of professional engineering or represent to the public any ability or authority to do so in the State of Iowa unless at the time of the representation or practice it regularly employs,

on other than an as-needed, occasional, or consulting basis, one or more professional engineers licensed in Iowa who directly control and personally supervise all professional engineering work performed by Westbrook, its successors or assigns.

9. Gruber and Kintz agree they will not practice professional engineering in Iowa, or represent any authorization to do so, until they are licensed pursuant to Iowa Code chapter 542B.

10. This Stipulation is a public record pursuant to Iowa Code Chapter 22 and will be provided to the National Council of Examiners for Engineering and Surveying.

**AGREED AND ACCEPTED:**

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

*IS*  
By: ~~Kenneth Brewer, Chair~~  
Terry L. Martin, Chair

6-3-97  
Date

**Westbrook Associated Engineers, Inc.**

*IS*  
By: Ronald L. Pluim  
Its President

4-14-97  
Date

*IS*  
Frederick G. Gruber

4-14-97  
Date

*IS*  
Gerald C. Kintz

4/14/97  
Date