

FILED 3/6/08 (Date)

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

~~FILED~~  
~~Board of Examiners~~  
[Redacted]

**IN THE MATTER OF:** )  
 )  
**NICHOLAS J. KUHN, PE** )  
**Granger, IA,** )  
 )  
**Respondent.** )

Case No. 07-31

**CONSENT ORDER**

Signature, Executive Officer

The Iowa Engineering and Land Surveying Examining Board (Board), and Nicholas J. Kuhn (Respondent) enter into this Consent Order (Order), pursuant to Iowa Code section 17A.10 (2007) and 193 Iowa Administrative Code 7.42:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 542B (2007).
2. Respondent was issued Iowa license number 14643 on the 22<sup>nd</sup> day of February, 1999. His license is active and will next expire on December 31, 2008.
3. The Board charged Respondent with failure to comply with a compliance review of his professional development hours in accordance with 193C Iowa Administrative Code 7.8 and failure to respond within 30 days to multiple communications from the Board and to make available any relevant records in accordance with 193C Iowa Administrative Code 9.3(4). See, Amended Notice of Hearing and Statement of Charges in a Disciplinary Case, filed December 14, 2007.
4. After the Notice of Hearing was served, Respondent provided the Board with records of his professional development hours. While some hours were disallowed, Respondent could support sufficient hours for license renewal.
5. Respondent and the Board have agreed to resolve this case. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights by freely and voluntarily entering into this Order. This Consent Order is the final agency order in a disciplinary contested case.
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.
7. This Order and the Notice of Hearing and Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2007).
8. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2007). However, no action may

be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

9. 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 any 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**

Respondent is reprimanded for failing to timely respond to Board requests for documentation in connection with a compliance audit of professional development hours.

**B. Civil Penalty**

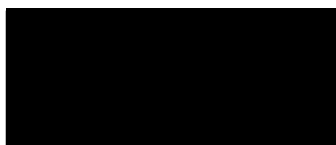
Respondent shall pay a civil penalty of \$250 to the Board office no later than March 15, 2008.

**C. Education**

Respondent shall complete the 20 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 August 1, 2008. Respondent may count this course toward his PDH requirement for renewal.

**AGREED AND ACCEPTED:**

**The Respondent**



Nicholas J. Kuhn

2/7/08  
Date

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



By: Gary Benjamin, PE, Chair

3/5/08  
Date