

FILED July 12, 2010 (Date)

BEFORE THE IOWA ENGINEERING AND LAND SURVEYING
EXAMINING BOARD

Signature, Executive Officer

IN THE MATTER OF:)

Nicholas J. Rowe, PE)
PE #18651)

RESPONDENT)

CASE NO. 09-15

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 18651 on January 10, 2008. Respondent's professional engineering license is in active status and is scheduled to expire on December 31, 2011.

3. The Board received a complaint in August 2009 alleging that Respondent failed to avoid known conflicts of interest with his employer and employer's clients.

4. The Board submitted the complaint to peer review. The peer reviewer concluded that Respondent violated 193C Iowa Administrative Code 8.2(4)(b), 8.2(4)(d), and 8.2(5) by failing to avoid conflicts of interest with his employer and employer's clients.

5. Respondent is charged with unethical acts in violation of Iowa Code section 542B.21(3) and 193C IAC 8.2(4)b, 8.2(4)d, and 8.2(5).

6. Respondent denies the allegations. Rather than proceed to hearing, however, he agrees to fully resolve this disputed matter through the following Consent Order.

B. Settlement Agreement and Consent Order

7. 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.

8. 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.

9. 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.

10. 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).

11. 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.

12. 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. Respondent is reprimanded for failure to adhere to the ethical standards in 193C Iowa Administrative Code 8.2(4)(b) and 8.2(4)(d), and, in particular, soliciting clients of the firm for a new enterprise while employed by the firm.

B. Education. Respondent shall satisfactorily complete no later than December 31, 2010, the online Intermediate Engineering Ethics course (combines Engineering Ethics I and II) provided by the Texas Tech University Murdough Center for Engineering Professionalism.

C. Future Compliance. Respondent shall in the future adhere to all statutes and administrative rules in the practice of professional engineering.

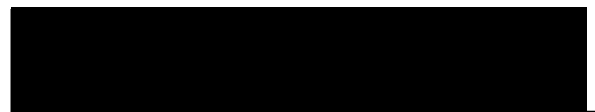
AGREED AND ACCEPTED:



Nicholas J. Rowe, Respondent

Date 6/23/10

The Iowa Engineering and Land Surveying Examining Board



By: Jerry Shellberg, PE, PLS, Chair

Date 7/8/10