

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

**IN THE MATTER OF:**

**KENNETH F. SURPRENANT  
1318 North 5<sup>th</sup> Street  
Mankato, MN 56001**

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**CASE NO. 97-41**

**CONSENT ORDER**

The Iowa Engineering and Land Surveying Examining Board (Board) and Kenneth F. Surprenant (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 allowed his license to lapse on December 31, 1995.
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.

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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 lapsed, and falsely representing himself to be properly licensed when certifying an engineering document.

**B. Civil Penalty**

Respondent shall pay a civil penalty of two hundred fifty dollars (\$250.00) to the Board by June 15, 1998.

**C. Remedial Action**

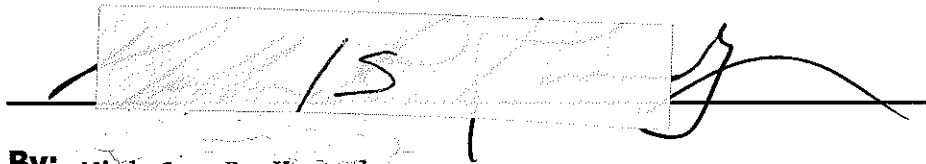
(1) Respondent shall take all steps necessary to reinstate his Iowa license no later than June 15, 1998, and shall then re-certify, at his expense, all engineering documents which he certified while his license was lapsed.

(2) Respondent shall by no later than July 1, 1998, provide the Board with proof that he recertified the structural drawing of an Animal Waste Pit in Lincoln Township, Emmet County, Iowa.

(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.

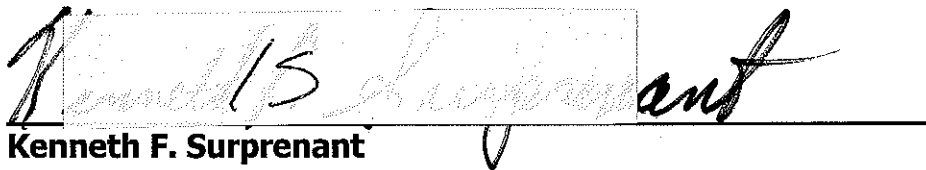
**Agreed:**

**Iowa Engineering and Land Surveying Examining Board**



**By:** Nicholas R. Komrady

**Date** 5/21/98



**Kenneth F. Surprenant**

**Date** 5-19-98

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**STATEMENT OF CHARGES**

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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 July 16, 1976, the Board issued the Respondent, Iowa professional engineering license number 07972.
4. Respondent's professional engineering license lapsed on December 31, 1995.

**Count I**

Respondent is charged with practicing professional engineering, including the certification of one or more engineering documents, while his license was lapsed 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 an engineering document on October 15, 1997, which failed to disclose the expiration date of his license and falsely stated he was duly registered in the state of Iowa.

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.

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*mailed 3/30/98*  
*gme*

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Gleean Coates, Executive Secretary

**FINDING OF PROBABLE CAUSE**

On March 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.

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Terry Martin, Chair