

FILED 7/11/13 (Date)
ELSEB

BEFORE THE IOWA ENGINEERING AND LAND SURVEYING
EXAMINING BOARD

Signature, Executive Officer

IN THE MATTER OF:)

Elliott D. Waddell)
PE #10231)

RESPONDENT)

CASE NO. 12-14

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 (2013).

2. The Board issued Respondent a license as a professional engineer on July 18, 1983. His license is in good standing and will next expire on December 31, 2014.

3. The Board received a complaint in October 2012 alleging that Respondent failed to fully disclose material information in landfill inspection reports submitted to the Iowa Department of Natural Resources in connection with a client's improper use of unpermitted landfill cells. The Board submitted the complaint to peer review and relies on the peer reviewer's opinions in charging Respondent.

4. The Board charges Respondent with failing to include all relevant and pertinent information in reports submitted to a governmental agency in violation of Iowa Code section 542B.21(3) and 193C IAC 8.2(1) and (3).

B. Settlement Agreement and Consent Order

5. 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.

6. 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. Respondent acknowledges that he had an opportunity to consult with legal counsel before signing this Consent Order.

7. 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.

8. 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.

9. 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 (2013).

10. 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) (2013). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.


11. 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 failing to include all relevant and pertinent information in reports submitted to a governmental agency.

B. Ethics Education. By December 31, 2013, Respondent shall successfully complete the intermediate, 60 PDH, distance learning course in engineering ethics sponsored by the Murdough Center at Texas Tech University. Respondent may apply one-half of these hours to the continuing education required for renewal.

AGREED AND ACCEPTED:



Elliott D. Waddell, PE Respondent

Date June 18, 2013

The Iowa Engineering and Land Surveying Examining Board



By: Marlon Vogt, PE, Chair

Date 7/10/13

