

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

Department of Commerce
Professional Licensing and Regulation Division
FILED 6/3/04
EXAMINING BOARD
EELSEB

IN THE MATTER OF:

PAULA B. WELLS
The Wells Resource
3506 Hawthorne Avenue
Omaha, NE 68131

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CASE NO. 04-10

SETTLEMENT AGREEMENT
AND CONSENT ORDER

The Iowa Engineering and Land Surveying Examining Board (Board) and Paula G. Wells (Respondent) enter into this Settlement Agreement and Consent Order (Order), pursuant to Iowa Code section 17A.10 (2003) and 193 IAC 7.4(17A, 272C):

1. The Board has jurisdiction of this matter pursuant to Iowa Code Chapters 17A, 542B, and 272C (2003).
2. Respondent was issued a license to practice professional engineering in the state of Iowa, but allowed his license to lapse on December 31, 1994.
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.
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 (2003).

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) (2003) and shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a)(2003). 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 her license was lapsed.

B. Civil Penalty

Respondent shall pay a civil penalty of nine hundred fifty-four dollars and seventy-five cents (\$954.75) to the Board by July 1, 2004. Four hundred fifty-four dollars and seventy-five cents (\$454.75) credit will be given if Respondent reimburses that amount to the Woodbine Community School District and provides verification of payment to the Board.

C. Remedial Action

1. By July 1, 2004, Respondent shall notify the Woodbine Community School District that she was not licensed in Iowa at the time that she prepared the structural assessment of the Woodbine Normal School and provide verification to the Board that she has complied with this requirement.

2. In the event that Respondent wishes to reinstate her Iowa PE license, Respondent shall complete the 40 PDH correspondence course offered by the Murdough Center for Engineering Professionalism, College of Engineering, Texas Tech University as a condition of reinstatement of licensure in addition to meeting the requirements of reinstatement at 193C IAC 3.5(1).

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



Date 6-3-04

By: Dennis Osipowicz, PE/LS, Chair



Date 5/6/04

Paula G. Wells

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