Department of Commerce Professional Licensing Bureau

BEFORE THE IOWA ENGINEERING AND LAND SURVEYING EXAMINING BOARD Before THE IOWA ENGINEERING AND LAND SURVEYING

	EXAMINING BOARD	byard Commission
)	Signature, Executive Officer
IN THE MATTER OF:)	
) CASE NO	. 16-10
Wayne Schlotfeldt)	
PE #12865) COMBINI	ED STATEMENT OF
•) CHARGE	S AND CONSENT ORDER
Respondent.	j	

A. Statement of Charges

- 1. The Iowa Engineering and Land Surveying Examining Board ("Board") has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 542B (2015).
- 2. The Board issued Respondent a license as a professional engineer on February 1, 1994. His license lapsed on January 1, 2016.
- 3. The Board received a complaint in August 2016 alleging that Respondent offered professional engineering services to clients on a lapsed license. Respondent agrees he performed professional engineering services in Iowa during the period his license was lapsed.
- 4. The Board charges Respondent with practicing engineering on a lapsed license in violation of Iowa Code sections 542B.1, 542B.27 and 193C IAC 3.4(5).

B. Settlement Agreement and Consent Order

- 5. Respondent has a right to a hearing on the charges, but waives his right to a hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order.
- 6. This 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 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 Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2015).
- 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) (2015). 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. <u>Reprimand.</u>

Respondent is reprimanded for practicing engineering with a lapsed license.

B. Civil Penalty.

Respondent shall pay the sum of \$500.00 in civil penalties to the Board (made payable to the State of Iowa) no later than 20 calendar days following the date the Order is signed by all parties.

C. Remedial Action.

- (1) Within sixty (60) days from the date the Board approves the signed Order, Respondent shall mail written notice to all clients for whom he performed engineering services in the state of Iowa on and after January 1, 2016 through present, and to all governmental bodies to whom sealed technical submissions were submitted on and after January 1, 2016 through present. The notice shall advise the client that Respondent's license was lapsed when the services were provided. Copies of the letters shall be submitted to the Board within 5 days of mailing.
- (2) Respondent shall cause all documents certified or sealed while his license was expired to be properly recertified and resealed. Respondent shall provide proof of compliance no later than sixty (60) days after the date the Board approves the signed order.
- (3) Respondent shall submit the recertified and resealed documents to any governmental body to which the documents were originally submitted. Respondent shall provide proof of compliance no later than sixty (60) days after the date the Board approves the signed order.

D. <u>Future Compliance</u>.

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

AGREED AND ACCEPTED:			
Wayne Schlotteldt, Respondent	Date		
The Iowa Engineering and Land Surveying Examining Board			
By: Rita M. Perea, Chair Robert Fairfax Vice Chair	Date1/12 (2017		
Kara I	DECETVED JAN 0 6 2017 BY:		