

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

IN THE MATTER OF:

Dilip M. Khatri
PE #P18499

Respondent.

Case No. 18-09

**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 (2017).

2. Respondent is currently a licensed professional engineer whose license expires December 31, 2018.

3. On March 14, 2018, Respondent disclosed to the Board by letter that disciplinary action had been taken against him on December 8, 2016, effective January 6, 2017, by the Board of Professional Engineers, Land Surveyors, and Geologists, of the Department of Consumer Affairs, State of California (“**California Board**”). This action was the result of substandard practice regarding engineering work performed by Respondent on multiple projects using his California professional engineer license and for failing to meet the generally accepted standards of the practice of engineering. Respondent was released from probation by the California Board on June 28, 2018, the California Board having found that Respondent’s “efforts toward rehabilitation have been successful and that public protection does not require [Respondent] to remain on probation.”

4. On July 12, 2017, Respondent received reciprocal disciplinary action against his Idaho professional engineer license based upon his original disciplinary action in California and for his failure to report the California disciplinary action to the state of Idaho.

5. On October 13, 2017, Respondent received reciprocal disciplinary action against his Kentucky professional engineer license based upon his original disciplinary action in California and for his failure to report the California disciplinary action to the state of Kentucky.

6. On January 4, 2018, Respondent received reciprocal disciplinary action against his North Carolina professional engineer license based upon his original disciplinary action in California and for his failure to report the California disciplinary action to the state of North Carolina.

7. On August 10, 2018, Respondent received reciprocal disciplinary action against his Colorado professional engineer license based upon his original disciplinary action in California and for his failure to report the California, Idaho, Kentucky, and North Carolina

disciplinary action to the state of Colorado.

8. Respondent applied to reinstate his license with the Board on February 9, 2017. On the License Reinstatement Application submitted by Respondent to the Board, Respondent checked “No” to the question: “Since your last renewal in Iowa, have you been disciplined by any jurisdiction?”

9. The Board may discipline a licensee based on the discipline imposed by another jurisdiction pursuant to Iowa Code sections 542B.21(6) and 546.10(7). *See also* Iowa Administrative Code rule 193C—9.3(6)(d) (defining as professional misconduct “[r]evocation, suspension, or other disciplinary action taken against a licensee by a licensing authority of this state or another state, territory, or country”).

10. Respondent is also charged with:

- a. Fraud or deceit in procuring a license in violation of Iowa Code sections 542B.21(1) and 272C.10(1) and Iowa Administrative Code rule 193C—9.3(1)(a); and
- b. Failing to report an act or omission that constitute negligence or carelessness in violation of Iowa Administrative Code rule 193C—8(3). *See* Iowa Code section 272C.4(6)–(7).

11. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing.

B. Settlement Agreement and Consent Order

1. Respondent has a right to a hearing on the charges, but waives Respondent’s right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Consent Order. This Consent Order constitutes discipline against Respondent, and is the final agency order in the contested case, pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code rule 193—7.4. Respondent acknowledges that Respondent had an opportunity to review this Consent Order with legal counsel before signing it.

2. Respondent agrees the State’s counsel may present this Consent Order to the Board and may have ex parte communications with the Board while presenting it.

3. This Consent 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.

4. This Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22.

5. Failure to comply with the provisions of this Consent Order shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

6. This Consent Order is subject to approval of the Board:

- a. If the Board fails to approve this Consent 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 Consent Order, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

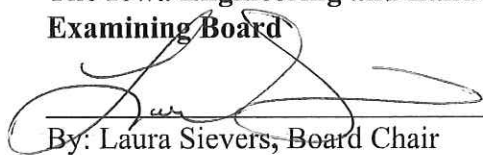
- A. **Reprimand.** The Board reprimands Respondent for the discipline involving negligence or carelessness imposed by the California Board and for falsely representing the fact of the out-of-state discipline on his Reinstatement Application and failing to timely report the same.
- B. **Civil Penalty.** Respondent shall pay a civil penalty of \$2,000 within thirty (30) days of the date this Consent Order is signed by all parties. This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the Iowa Engineering and Land Surveying Examining Board, Iowa Professional Licensing Bureau, 200 E. Grand Ave, Ste. 350, Des Moines, IA 50309 within thirty (30) days of the Board's approval of this Consent Order. All civil penalty payments shall be deposited into the State of Iowa general fund.
- C. **Future Compliance.** Respondent shall in the future adhere to all statutes and administrative rules in the practice of professional engineering.

AGREED AND ACCEPTED:

Respondent

**The Iowa Engineering and Land Surveying
Examining Board**


By: Dilip M. Khatri


By: Laura Sievers, Board Chair

9/29/18
Date

11/14/18
Date

