

BEFORE THE IOWA ENGINEERING AND LAND SURVEYING  
EXAMINING BOARD

Professional Licensing Bureau  
**FILED** 9/12/23 (Date)  
IPLSEB  
Board / Commission  
Robert E. Thompson  
Signature, Executive Officer

IN THE MATTER OF:

Alan Lukens

Respondent.

Case No. 21-14

**COMBINED STATEMENT OF  
CHARGES, CONSENT AGREEMENT, AND  
FINAL ORDER**

COMES NOW the Iowa Engineering and Land Surveying Examining Board ("Board") and Alan Lukens ("Respondent") and enter into this Combined Statement of Charges, Consent Agreement, and Final Order ("Order") pursuant to Iowa Code §§17A.10 and 272C.(4)(a), and Iowa Administrative Code rule 193—7.42.

**A. LEGAL AUTHORITY AND JURISDICTION**

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 542B.
2. The Board has authority to take disciplinary action against Respondent under Iowa Code chapters 272C and 542B, and Iowa Administrative Code rule 193C—9.3.

**B. STATEMENT OF CHARGES**

3. **COUNT I.** The Board charges Respondent with failing to conform to the minimal standards of acceptable and prevailing practice of engineering in Iowa in violation of Iowa Administrative Code rule 193C—9.3(2)(d).
4. **COUNT II.** The Board charges Respondent with one count of certifying engineering work of which the licensee was not "in responsible charge," as defined in Iowa Code §542B.2(b), in violation of Iowa Code §542B.16(2)(b).

**C. FACTUAL CIRCUMSTANCES**

5. The Board received a complaint alleging that Respondent failed to conform to the minimal standards of acceptable and prevailing engineering practice in Iowa for a project associated with the Huck's Harbor Waterslide Replacement project in Burlington, Iowa, and involving the waterslide company WhiteWaterWest of Canada.

6. Klingner & Associates' Alan Lukens and Evan Lueckenotto submitted a report dated January 7, 2020, to Huck's Harbor. The detailed report clearly states the "[a]nchor bolt projection was found to substandard on several bolts" and supporting photographic evidence was provided with the report to the owner. The report also states that several columns that connected the slide support to the columns did not have adequate bolt projection.
7. In a follow-up report dated February 18, 2020, Evan Lueckenotto of Klingner & Associates says "[a]dequate bolt projection is defined as the anchor bolt engaging every thread in the nut. Or simply put, the anchor bolt is at minimum flush with the top of the nut."
8. The Engineer of Record, Joseph Trent Cragin (Trent Cragin) of the Core Group, Roanoke, Texas, provided for the repair of the anchor bolts in the stamped and sealed plans to correct the substandard bolt projection.
9. In communication dated September 10, 2020, Trent Cragin provided a professional engineering statement regarding anchor bolt extension design to Kirby Nixon of WhiteWaterWest. In the email he states, "I believe in following minimum extended thread rule for the anchor bolts" and provides Mr. Nixon with alternatives including the option to "[h]ave the local engineer sign off on the existing bolts". The local engineer he refers to is Klingner & Associates.
10. In a stamped and sealed report to Chuck Brockett dated November 6, 2020, Alan Lukens states "[b]oth columns have anchor bolts [that] do not have full engagement for the anchor bolts per an earlier structural report delivered by Klingner. Klingner has taken the loads and calculations done by WhiteWaterWest and verified that the existing anchor bolts have adequate capacity for the given tension and shear loads." The report also states that with the receipt of additional information, the initial findings of substandard bolt projection can remain in place following review of the WhiteWaterWest engineering analysis that verifies the bolts have adequate capacity.
11. Mr. Lukens' earlier reports indicated that the anchor bolts were substandard because they did not meet the minimum thread rule for anchor bolt projection. In the November 2020 report, however, Mr. Lukens contradicts his prior certifications by stating that the bolts do not have full engagement, but have adequate capacity based on the analysis performed by Eileen Ma of WhiteWaterWest. The November report's conclusion also directly contradicts the standard put forth in Mr. Lueckenotto's February report and the signed and sealed plans submitted previously by the Engineer of Record, Trent Cragin.

12. Both Trent Cragin and Evan Lueckenotto acknowledged in writing that the industry engineering standard or practice pertaining to anchor bolts is a minimum thread projection where the bolt is at least flush with the nut and the threads are fully engaged.
13. In an email to Mr. Lukens on June 17, 2021, John Kelly at the Iowa Department of Public Health requested copies of Mr. Luken's assumptions and calculations in determining the bolts had adequate capacity, since that statement contradicted his earlier report. On June 21, 2021, Mr. Lukens replied by email to Mr. Kelly, stating that he made his determination in reliance on the plans and calculations done by WhiteWaterWest. These calculations were done by Eileen Ma, who is not a licensed professional engineer in the State of Iowa.
14. The role of Klingner & Associates and Alan Lukens was not as Engineer of Record for the project as is required to make design and repair recommendations for anchor bolts. The Engineer of Record by admission is Trent Cragin of The Core Group. On June 21, 2021, in email communication to John Kelly at the Iowa Department of Public Health, Mr. Cragin stated that he did not approve the existing anchor bolts and had provided recommendations for repair as shown on the sealed plans.
15. The Board retained a peer reviewer in this case to determine whether Mr. Lukens conformed with accepted engineering standards and whether he improperly certified engineering documents. The peer reviewer determined that Mr. Lukens stamped and sealed documents for which he was not the Engineer of Record, and that those documents were not in conformity with accepted engineering standards.

#### **D. SETTLEMENT AGREEMENT AND FINAL ORDER**

16. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.
17. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order is the final agency order and shall have the force and effect of a disciplinary order entered following a contested case hearing.
18. Respondent acknowledges that he has the right to be represented by counsel on this matter and has had an opportunity to review this Order with legal counsel before signing it.
19. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

20. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.
21. This Order shall be part of Respondent's permanent record 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.
22. This Order shall not be binding as to any new complaints received by the Board.
23. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

**IT IS THEREFORE ORDERED:**

24. Within thirty (30) days of the Board's approval of this Order, Respondent shall pay a civil penalty in the amount of five hundred dollars (\$500). All civil penalty payments shall be deposited in the State of Iowa general fund.
25. Respondent is ordered to submit documentation of two (2) continuing education hours in ethics that meet the requirements of Iowa Administrative Code rule 193C—7.5 within thirty (30) days of the Board's approval of this Order. These hours may not be used to satisfy the hours requirement for the next biennial term.
26. Respondent is ordered to obey all applicable Iowa laws and rules in the future.

8-18-2023  
Date

  
ALAN LUKENS  
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Engineering and Land Surveying Examining Board on \_\_\_\_\_.

  
Board Chair  
Iowa Engineering and Land Surveying Examining Board