

FILED 5/6/10 (Date)

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

T. P. S. C. E. B.
Board / Commission

IN THE MATTER OF:

David P. Evangelista

PE #16258

RESPONDENT

CASE NO. #10-19(PDH)

CONSENT ORDER ON
STIPULATED CHARGES

Signature, Executive Officer

The Iowa Engineering and Land Surveying Examining Board (Board) and **David P. Evangelista** (Respondent) enter into this Consent Order pursuant to Iowa Code sections 17A and 272C.3(4)(2009) and 193C – Iowa Administrative Code 3.4(10).

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 542B (2009).

2. The Respondent is a **X** Licensed Professional Engineer. On **December 28, 2009**, the Respondent submitted an Application for Licensure Renewal indicating the completion of **21** professional development hours (PDH); Iowa requires 30 PDH per biennium. On January 14, 2010, the Respondent submitted a revised renewal application along with documentation of 36 PDH. The Board noted that all PDH was acquired online, exceeding the limit of 10 per biennium. The Respondent is now **20** PDH short of the requirement for the renewal of this license.

3. In lieu of prosecuting a first offense concerning the board's continuing education requirements for renewal set forth in Iowa Code sections 272C and 542B (2009) and 193C -- IAC chapters 3 and 7, the Board and Respondent have agreed to enter into a consent order, pursuant to 193C IAC -- 3.4(10).

4. This Order shall be part of the permanent record of the Respondent and shall be considered by the board in determining the nature and severity of any disciplinary action imposed in the event of future violations.

5. This Consent Order is public record, available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2009).

6. Failure to comply with the provisions of the Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2009). However, no action may be taken against the Respondent for violation of these provisions without a hearing or waiver of hearing.

7. Respondent has read and understands the Board's continuing education requirements for renewal, and agrees to abide by them in the future.

Consent Order
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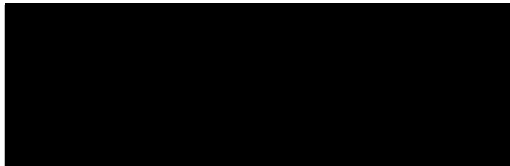
8. This order is subject to approval by the Board.

- (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. Respondent shall pay a civil penalty of \$250.00 within thirty days of receipt of this executed document.

B. Respondent shall complete 20 professional development hours. Documentation of the completion of the PDH shall be submitted to the board office on or before **July 1, 2010**. These PDH will not apply to the next renewal reporting period.



Respondent

3/25/10
Date



Craig Johnstone, PE, Chair
Iowa Engineering and Land Surveying Examining Board

26 Apr 2010
Date