

FILED 6/8/11 (Date)  
JELSER  
Board / Commission

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

IN THE MATTER OF: )

James D. Halverson, PE )  
PE #18063 (lapsed) )

RESPONDENT )

CASE NO. 11-01

COMBINED STATEMENT OF CHARGES  
AND CONSENT ORDER

Signature, Executive Officer

**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 (2011).

2. Respondent was issued a license as a professional engineer on October 10, 2006. His license expired December 31, 2009. Respondent has not reinstated his lapsed license, although, if proper steps are taken, he remains eligible to reinstate.

3. The Board received a complaint in November 2010 alleging that Respondent engaged in the practice of professional engineering while his license was lapsed when he submitted sealed drawings to a building inspector in Iowa. Respondent did not, as required by Board rules, certify the drawings and state the expiration date of his license.

4. The Board submitted the complaint to peer review. The peer reviewer concluded that Respondent practiced professional engineering while his license was lapsed and also engaged in unethical acts by portraying himself as authorized to practice in Iowa and by failing to use a proper certification which would have revealed the expiration of his license.

5. Respondent is charged with practicing professional engineering without proper licensure and engaging in unethical acts as noted in paragraph 4, in violation of Iowa Code sections 542B.1, 542B.15, 542B.16, 542B.18, and 542B.21(3), and 193 IAC 3.4(1), 6.1(4), and 8.2(6)(b).

6. Rather than proceed to hearing, Respondent agrees to fully resolve this disputed matter through the following Consent Order.

**B. Settlement Agreement and Consent Order**

7. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order. This Consent 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.

8. 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.

9. 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.

10. This Combined Statement of Charges and Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2011).

11. 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) (2011). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

12. 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.

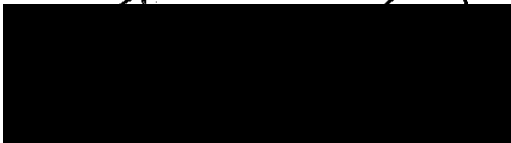
**IT IS THEREFORE ORDERED:**

**A. Reprimand.** Respondent is reprimanded for engaging in the practice of professional engineering while his license was lapsed.

**B. Civil Penalty.** Respondent shall pay a civil penalty of \$1,000 to the Board office no later than 30 days after the date this Consent Order is signed by all parties.

**C. Future Compliance.** Respondent shall in the future adhere to all statutes and administrative rules in the practice of professional engineering and shall, in particular, refrain from practicing professional engineering in Iowa until his license has been reinstated. Once reinstated, Respondent shall use the form of seal and certification mandated by Board rules.

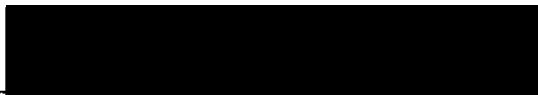
**AGREED AND ACCEPTED:**



James D. Halverson, PE (lapsed), Respondent

Date 6-20-11

The Iowa Engineering and Land Surveying Examining Board



By: Marlee Walton, PE, PLS, Chair

Date 7/7/11

DATE OF ISSUANCE 6/8/11