

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

<p>IN THE MATTER OF:</p> <p>Nicholas Edward Hoffman #P24773</p> <p>Respondent.</p>	<p>Case No. 19-01</p> <p>COMBINED STATEMENT OF CHARGES AND CONSENT ORDER</p>
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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 (2019).
2. Respondent is currently a licensed professional engineer whose license next expires on December 31, 2019.
3. On February 4, 2019, Respondent notified the Board that he had recently pled guilty to one count of felony Grand Theft Auto by Embezzlement in South Dakota, and had also recently entered into a Consent Order in order to resolve a pending disciplinary matter with the South Dakota Board of Technical Professions based on that conviction and same underlying conduct.
4. Based on the above-noted conviction and related discipline, Respondent is charged with violating Iowa Code section 542B.21(5) and (6) and Iowa Administrative Code rule 193C—9.3(6) and (8).
5. 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. **Probation.** Respondent's license is placed on probation. Respondent may apply to be released from probation upon the successful completion of all of the terms of his criminal sentence in the above-referenced case. Respondent must supply the Board with proof of the successful completion of his sentence in connection with any future application to be released from probation.
- B. **Compliance with Criminal Sentence and South Dakota Discipline.** Failure to comply with the terms of Respondent's criminal sentence or South Dakota disciplinary order shall be grounds for further disciplinary action by the Board. However, no action may be taken against Respondent for violations of this provision without a hearing or waiver of hearing.
- C. **Additional Ethics Hours.** Respondent shall be required to take six (6) additional Professional Development Hours ("PDH") in the area of ethics for purposes of his next renewal, in addition to the two (2) ethics hours required of all professional engineers each biennium. For the avoidance of doubt, for purposes of Respondent's next renewal, Respondent will be required to demonstrate a total of thirty-six (36) hours of PDH, including a total of eight (8) ethics hours. If Respondent elects not to renew his license at the next license renewal, Respondent shall be required to demonstrate and document that he has obtained the required, additional ethics hours as part of any future application for reinstatement.
- D. **PDH Compliance Review.** Respondent shall be subject to an audit for compliance with all PDH requirements at his next renewal.
- E. **Future Compliance.** Respondent shall in the future adhere to all applicable statutes and administrative rules in the practice of professional engineering.

AGREED AND ACCEPTED:

Respondent



By: Nicholas Edward Hoffman

4/8/19

Date

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



By: Laura Sievers, Board Chair

5/9/19

Date