

FILED 3/4/10 (Date)

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

Board / Commission

Signature, Executive Officer

IN THE MATTER OF:)

Gary L. Loop, PE)
PE #17737)

Respondent.)

CASE NO. 09-25

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 (2009).

2. Respondent is a licensed professional engineer in Iowa. He was issued license number 17737 as a comity applicant on January 9, 2006. His license lapsed on December 31, 2007 and was not reinstated until November 24, 2008. His license expired again on December 31, 2009, subject to late renewal by January 30, 2010 or reinstatement thereafter.

3. While his license was lapsed between January 1, 2008 and November 24, 2008, Respondent continued to practice professional engineering in the state of Iowa, and sealed and certified multiple documents, using false expiration dates.

4. The Board charges Respondent with practicing on a lapsed license and making false statements in multiple certifications in violation of Iowa Code sections 272C.10(3), 542B.16, 542B.18, and 542B.21(3), and 193C IAC 3.4(5), 6.1 and 8.2(6)(b)(5).

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

6. 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.

7. 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.

8. 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.

9. 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 (2009).

10. 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) (2009). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

11. 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 practicing professional engineering with a lapsed license, including the sealing and certification of multiple engineering documents, and for misrepresenting the expiration date of his license when certifying such documents.

B. Civil Penalty. Respondent shall pay the sum of \$500 to the Board no later than March 15, 2010.

C. Remedial Action.

1. By March 15, 2010, Respondent shall file with the Board a complete list of all engineering documents he sealed and/or certified involving Iowa projects during the period in which his license was lapsed.


2. Respondent shall provide written notice to all clients for whom he performed professional engineering services in the state of Iowa during the period of lapse and shall submit copies of such notices to the Board office no later than April 1, 2010. The notice may be in the form of a letter and shall inform the client the dates under which the Respondent's license was in lapsed status.

3. For those clients for whom Respondent sealed and/or certified an engineering document while his license was lapsed, Respondent shall specifically notify such client that the information on the certification is in error and shall offer, in writing, to recertify and reseal the documents. Respondent agrees that if he has not renewed or reinstated his Iowa professional engineering license by the time this Consent Order is

signed by all parties, he shall take all steps necessary to do so no later than March 15, 2010. Respondent shall file with the Board by April 1, 2010, copies of those portions of all affected engineering documents that will reflect the recertification and resealing.

4. Respondent shall in the future timely renew his Iowa PE license in active status or refrain from the practice of professional engineering in the state of Iowa while in lapsed or inactive status.

AGREED AND ACCEPTED:

 _____ Date 2/19/10
Gary W. Loop, PE, Respondent

The Iowa Engineering and Land Surveying Examining Board

 _____ Date 3/4/10
By: Craig R. Johnstone, PE, PLS, Chair