

Signature, Executive Officer

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

IN THE MATTER OF:

**Steven Vasquez, PE
19099**

RESPONDENT

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CASE NO. 08-31

**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 (2007).
2. Respondent is a licensed professional engineer in Iowa. He was issued license number 19099 on October 2, 2008.
3. The Respondent's application for licensure in Iowa by comity was signed and notarized on August 15, 2008.
4. The Board received the Respondent's application for licensure by comity on August 18, 2008
5. The Respondent's application was reviewed and approved by the Board on September 16, 2008.
6. Respondent was notified by letter dated September 24, 2008, that his application had been approved and license fees must be paid before licensure would be completed.
7. Respondent signed and sealed structural engineering documents for interior renovations at the Dubuque Greyhound Racetrack Park and Casino in Dubuque, Iowa, dated September 26, 2008, using his New Mexico professional license seal adding the following notations to the document: "Pending State of Iowa Verification end of September 2008" and "Exp 12/31/2008."
8. Staff received and processed licensure fee on October 1, 2008, and issued license number 19099 to Respondent on October 2, 2008.

9. Respondent recertified and stamped the documents with his Iowa seal on October 20, 2008, but did not properly apply the certification block and seal as provided by 193C IAC 6.1(542B).

10. The Board sent a letter to the Respondent on December 5, 2008, requesting an explanation of the situation where it appears he was practicing engineering in Iowa prior to licensure, sealing documents with his New Mexico seal, and submitting engineering documents to a public official prior to licensure.

11. The Board received the Respondent's response on December 23, 2008.

12. On January 8, 2009, the Board found probable cause to file this combined statement of charges and consent order. Respondent is charged with practicing professional engineering prior to licensure in violation of Iowa Code sections 272C.10(3), 542B.16, 542B.21(3)(2007), and 193C IAC 6.1(542B) and 193C IAC 8.2(6).

13. 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

15. 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.

16. 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.

17. 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.

18. 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 (2007).

19. 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) (2007). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

20. 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. The Respondent is reprimanded for practicing professional engineering in Iowa prior to being licensed and affixing the seal of his New Mexico license to engineering documents.

B. Civil Penalty. Respondent shall, by March 31, 2009, pay a civil penalty of \$500 to the Board.

C. Remedial Action. Respondent shall recertify the documents in accordance with 193C IAC 6.1(542B) and provide verification to the Board that this has been completed by March 31, 2009. Respondent shall, in the future, adhere to all statutes and administrative rules, including all rules of professional conduct, in the practice of professional engineering, and shall not offer to engage in the practice of professional engineering or practice professional engineering in Iowa unless properly licensed to do so.

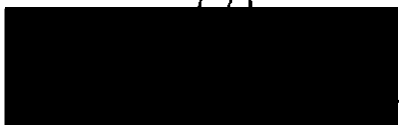
AGREED AND ACCEPTED:



Respondent

Date 2/25/09

The Iowa Engineering and Land Surveying Examining Board



Date 3/24/09

By: Christy VanBuskirk, PE, Chair