

BEFORE THE IOWA ENGINEERING AND LAND SURVEYING
EXAMINING BOARD

Department of Commerce
Professional Licensing Bureau

FILED 3/17/11 (Date)

~~TELESB~~
Board / Commission

~~Signature, Executive Officer~~

IN THE MATTER OF:)

David DeChateau, PE)
PE #12776)

RESPONDENT)

CASE NO. 11-06

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 12776 on October 28, 1993. Respondent's professional engineering license is in pending status and, upon entry of this consent order, will be active and scheduled to expire on December 31, 2012.
3. The Board received Respondent's renewal application in December 2010. Respondent reported continuing education he previously used to reinstate his license in April 2010. As a result, he is 17.5 hours short of having the 30 professional development hours needed to renew.
4. Pursuant to 193C Iowa Administrative Code 3.4(10), a continuing education deficiency that would otherwise prevent renewal may be resolved through consent order. The parties have agreed to resolve Respondent's continuing education deficiency through consent order.

B. Settlement Agreement and Consent Order

5. 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 for attempting to renew without the continuing education required for renewal, and is the final agency order in the contested case, pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.
6. 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.
7. 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.

8. 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).

9. 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.

10. 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.

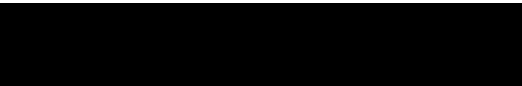
IT IS THEREFORE ORDERED:

A. Reprimand. Respondent is reprimanded for attempting to renew without the required continuing education.

B. Education. Respondent shall satisfactorily complete no later than July 1, 2011, 17.5 hours of continuing education in accordance with Board rules, and shall provide proof of completion no later than July 15, 2011. This education shall not apply to any subsequent renewal application.

C. Future Compliance. Respondent shall in the future adhere to all statutes and administrative rules in the practice of professional engineering.

AGREED AND ACCEPTED:

 _____ Date 2.24.11
David DeChateau, Respondent

The Iowa Engineering and Land Surveying Examining Board

 _____ Date 3/17/11
By: Jerry Shellberg, PE, PLS, Chair