

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

In re:	
RYAN NUGTEREN	ORDER GRANTING PETITION FOR WAIVER
Petitioner.	

Pursuant to Iowa Code § 17A.9A, 193C Iowa Administrative Code 1.4 and 481 Iowa Administrative Code chapter 6, the Iowa Engineering and Land Surveying Examining Board of Iowa (“Board”) hereby makes the following ruling on Petition for Waiver submitted by Ryan Nugteren (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner is seeking licensure as a land surveyor.
2. Petitioner took the Fundamentals of Land Surveying (FS) examination, but he has not completed the four years of required experience post-examination. He has also successfully completed the Principles and Practice of Land Surveying (PS) and Iowa State Specific Land Surveying (ISS) examinations.
3. Petitioner has worked in the area of land surveying in various capacities since 2008.
4. Petitioner submitted an application for rule waiver to the Board, including several references and work project examples for the Board’s review.
5. Petitioner seeks to be relieved of the requirement of four years of practice experience post-examination pursuant to 193C Iowa Administrative Code rule 5.1(8) prior to the issuance of a license in land surveying.

SUMMARY OF LAW

6. Pursuant to 193C Iowa Administrative Code rule 1.4(1) and 481 Iowa Administrative Code chapter 6, the Board may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:

- a. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
- b. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
- c. The provisions of the rule subject to the petition for waiver are not specifically mandated by statute or another provision of law; and
- d. Substantially equal protection of public health, safety, and welfare will be afforded

by a means other than that prescribed in the particular rule for which the waiver is requested.

7. “The burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the board should exercise its discretion to grant a waiver from a department rule.” 481 Iowa Admin. Code r. 6.1(8)(b).

PETITIONER HAS MET THE CRITERIA TO WAIVE RULE 645.326.8(1)(b)

Upon review of the Petition, the Board finds that Petitioner has satisfied the four criteria for waiver of the notification of physician supervision requirement in rule 481 Iowa Administrative Code 6.2.

First, 193C Iowa Administrative Rule 5.1(8) contemplates certain years of experience post-examination before a license is issued. However, there has been confusion regarding this requirement due to rule changes. Additionally, as previously noted, the Petitioner has a number of years of excellent experience which just happened to be prior to completion of the FS examination. The Board finds that requiring Petitioner to have four more years of experience just because of the order of events constitutes an undue hardship.

Second, the Board does not find that granting a waiver would prejudice the substantial legal rights of any person.

Third, the requirement of four years of experience post-FS examination is not mandated by statute or another non-waivable provision of law.

Finally, Petitioner’s work experience as demonstrated by his years of experience pre-PS examination and excellent references demonstrate that the public health, safety, and welfare are adequately protected.

ORDER

IT IS THEREFORE ORDERED the petition for waiver of the requirement of 193C Iowa Administrative Code 5.1(8) is hereby **GRANTED**. The waiver shall be valid until Petitioner’s next license renewal.

Issued June 18____, 2026.



Mindy Bryngelson, Chair
Iowa Board of Engineers and Land Surveyors