

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

In the Matter of the Petition for Waiver by: GARY FRANKLIN MILLER Petitioner.	ORDER GRANTING PETITION FOR WAIVER
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Pursuant to Iowa Code section 17A.9A¹ and 7 Iowa Administrative Code chapter 2504, the Iowa Engineering and Land Surveying Examining Board (“Board”) hereby makes the following ruling on the Petition for Waiver submitted by Gary Franklin Miller (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner is a licensee of the Iowa Engineering and Land Surveying Examining Board (License No. P25343). His Iowa license was first issued May 15, 2019, and it is currently active. He has no reportable disciplinary history.

2. Petitioner’s license was last renewed on December 17, 2024. Its next renewal date will be December 31, 2026. That renewal would typically include a minimum of 30 continuing education units (“CEUs”) for each biennial renewal period. *See* Iowa Admin. Code rs. 481—1047.4(9); 481—1051.5(1).

3. On or about August 31, 2026, Petitioner requested that the Board grant a hardship waiver for medical purposes, as is permitted by 481 Iowa Administrative Code 1051.7.

4. He is currently 8.25 hours short of renewing his engineering license, and he was diagnosed with Leukemia during this biennial period (May 2025 specifically). He does not need any additional ethics hours for this renewal.

5. To support this request, Petitioner provided a letter from his oncologist and proof that he has been approved for federal disability payments (SSDI/DIB specifically). He has had medical procedures which would require prolonged supervision and recovery.

6. The Board reviewed Petitioner’s materials for its September meeting.

SUMMARY OF LAW

7. Pursuant to Iowa Code section 17A.9A, 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:

¹ Formerly addressed through 481 Iowa Administrative Code rule 6.1(3) for Licensing Boards.

- a. The application of the rule would pose an undue hardship on the person for whom the waiver is requested;
- b. The waiver from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person;
- c. The provisions of a rule subject to a petition for a 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.

8. “The burden of persuasion rests with the person who petitions an agency for the waiver of a rule.” *Id.* § 17A.9A(3). All four criteria must be met “based on clear and convincing evidence.” *Id.* § 17A.9A(2).

PETITIONER HAS MET THE CRITERIA TO WAIVE RULES 481—1047.4(9) AND 481—1051.5(1).

Upon review of the Petition, the Board finds that Petitioner has satisfied the four criteria for a waiver under Iowa Code section 17A.9A and 7 Iowa Administrative Code chapter 2504.

First, Petitioner meets the undue hardship requirement. Petitioner experiences a severe medical condition, and it will require additional supervision and treatment.

Second, a waiver would not prejudice the substantial legal rights of any person. No one will experience harm from Petitioner taking more time to focus on his health and treatment, and he is currently receiving Social Security payments reflecting his qualifying past work history.

Third, the provisions of the rule are not mandated by statute or another non-waivable provision of law. *See, e.g.*, Iowa Code §§ 272C.2(3), 542B.13, and 542B.18 (describing the Board’s authority toward statutory education, licensing, and renewal requirements).

Finally, the public health, safety, and welfare will still be protected if this current waiver is granted. The Board further promotes health, safety, and welfare by granting medical waivers.

ORDER

IT IS THEREFORE ORDERED the Petition for Waiver from CEU hours required by 481 Iowa Administrative Code rules 1047.4(9) and 481—1051.5(1) is hereby **GRANTED**.

Ordered September 10, 2026.



Chair
Iowa Engineering and Land Surveying Examining
Board