

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

IN THE MATTER OF:)	
)	CASE NO. 00-15
RALPH J. SCHNORR)	
PO BOX 11910)	
ST. PAUL, MN 55111-0910)	STATEMENT OF CHARGES
)	
RESPONDENT)	

COMES NOW the Complainant, Gleeen Coates, and states:

1. The Complainant is the Executive Secretary of the Iowa Engineering and Land Surveying Examining Board and files these charges solely in her official capacity.
2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C and 542B (1999).
3. On May 31, 1977, the Board issued the Respondent Iowa professional engineering license number 8249.
4. Respondent's engineering license is currently in active status.

Count I

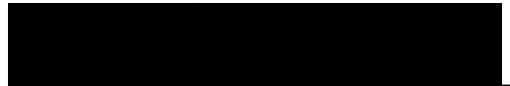
Respondent is charged with a violation of Iowa Code **542B.21(6)**.

Circumstances

Effective June 22, 2000, the South Dakota Board of Technical Professions suspended registration number PE 2730 issued to Ralph J. Schnorr of St. Paul, Minnesota, for a period of one (1) year during which time he will be barred from practicing engineering or in any way offering or giving engineering advice, consultation or opinions to clients or the general public in South Dakota. The Findings of Fact and Conclusions of Law and Order entered by the South Dakota Board of Technical Profession on July 18, 2000, is incorporated here by reference as attached.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it deems appropriate under the law.

Signed and dated this 3rd day of November, 2000.

A solid black rectangular box used to redact the signature of the Executive Secretary.

Gleean M. Coates, Executive Secretary
Iowa Engineering and Land Surveying Examining Board

FINDING OF PROBABLE CAUSE

On September 21, 2000, the Iowa Engineering and Land Surveying Examining Board found probable cause to file this Statement of Charges and to order a hearing be set in this case.


Dwayne C. Garber, Chair

cc: Engineering and Land Surveying Examining Board
Pamela Griebel, Assistant Attorney General
Department of Inspections and Appeals

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

IN THE MATTER OF:)	
)	DIA NO. 00DOCEL005
RALPH J. SCHNORR)	
P.O. Box 11910)	FINDINGS OF FACT,
St. Paul, MN 55111-0910)	CONCLUSIONS OF LAW,
)	DECISION AND ORDER
Respondent)	

On November 3, 2000, the Iowa Engineering and Land Surveying Examining Board (Board) issued a Statement of Charges to Ralph J. Schnorr, P.E., (Respondent). The Statement of Charges alleged that the Respondent had violated Iowa Code section 542B.21(6). A Notice of Hearing was issued setting the hearing for January 10, 2001. The Respondent filed an Answer on December 19, 2000.

A prehearing conference was held on December 20, 2000 by telephone conference call. Prehearing Conference Reports were submitted by both the assistant attorney general and the attorney for Respondent.

The hearing was held on January 10, 2001 at 1:00 p.m. in the conference room at the Iowa Department of Commerce, 1918 S.E. Hulsizer, Ankeny, Iowa. The hearing was open to the public at the Respondent's request, pursuant to Iowa Code section 272C.6(1)(1999). The Respondent appeared and was represented by his counsel, Joseph Bertogli. The state was represented by Pamela Griebel, Assistant Attorney General. Margaret LaMarche, Administrative Law Judge from the Iowa Department of Inspections and Appeals, assisted the Board in conducting the hearing. The following Board members were present for the hearing: Dwayne Garber, P.E./L.S., Chairperson; Nicholas R. Konrady, P.E./L.S.; Susan Long, P.E.; Susan Albright and Diana E. Hoogestraat, Public Members. The testimony was recorded by a certified court reporter.

After hearing the testimony and examining the exhibits, the Board convened in closed executive session to deliberate its decision, pursuant to Iowa Code section 21.5(1)(f)(1999). The Administrative Law Judge was instructed to prepare the Board's order, in accordance with their deliberations.

THE RECORD

The record includes the Statement of Charges; Notice of Hearing; Answer; State's Prehearing Conference Report; Respondent's

Prehearing Conference Report; the testimony of the witnesses; and the following exhibits:

State Exhibit 1: Proof of Service

State Exhibit 2: Documents certified by the Executive Director of the South Dakota Board of Technical Professions: Findings of Fact and Conclusions of Law, issued 7/13/00; Order of Disciplinary Action, issued 7/13/00; Notice of Entry of Findings of Fact, Conclusions of Law and Order of Disciplinary Action, issued 7/18/00; Board Decision, issued 6/12/00; Public Notice, issued 8/14/00

Computer printout, activity on Iowa license 8249

Respondent Exhibit A: Resume of Ralph James Schnorr, P.E., L.S.I.T.; 1/6/01 Letter of Ronald L Rossmiller, PhD, PE; Continuing Education 1995-2000

Respondent Exhibit B: Letter dated 1/6/01 (Rossmiller, PhD, PE to Board)

FINDINGS OF FACT

1. On March 31, 1977, the Board issued the Respondent Iowa professional engineering license number 8249. The Respondent's engineering license is currently in active status. (Testimony of Gleeann Coates; State Exhibit 2)

2. The Respondent is also licensed as a professional engineer in the states of Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wyoming. He has resided in Minnesota for the past nineteen years. He is currently employed in teaching positions at Dunwoody Institute and the St. Paul Technical College. The Respondent has both a bachelor's and a master's degree in civil engineering. (Testimony of Respondent; Respondent Exhibit 1)

3. The Respondent was born and raised in South Dakota, and he and his family own farm land in or near Aberdeen, South Dakota. In the late 1990's, the Respondent became personally involved in a dispute over storm water drainage in South Dakota. The Respondent felt that his land and land belonging to his neighbors would be subject

to inevitable flooding. The Respondent disagreed with the engineering criteria being used.

On September 3, 1998, the South Dakota Board of Technical Professions filed an informal complaint against the Respondent alleging violations of the Rules of Professional Conduct, and South Dakota statutes and administrative rules regulating the practice of engineering. The Respondent, who was represented by counsel, agreed to informal proceedings. An informal hearing was held on March 26, 1999.

The Respondent agreed to terms and conditions of the Recommendation for Resolution from Informal Proceeding, which was executed on May 5, 1999. (Testimony of Gleeann Coates; Respondent; State Exhibit 2)

4. The Respondent later violated the terms and conditions of the Recommendation for Resolution from Informal Proceeding. On July 16, 1999, the South Dakota Board of Technical Professions revoked the informal agreement and reinstated formal proceedings against the Respondent. A formal hearing was held on May 25, 2000. An Order of Disciplinary Action was issued on June 12, 2000. The Findings of Fact and Conclusions of Law were then prepared and issued on July 13, 2000.

The Respondent, who was represented by counsel at the formal hearing, admitted that he had violated certain rules of Professional Conduct, South Dakota Administrative Rules and South Dakota Statutes governing the practice of professional engineering in South Dakota and admitted that his conduct constituted unprofessional conduct, as a matter of law. In support of the Respondent's admission the Board found that the Respondent:

a. Engaged in a threat to file charges against the members of the South Dakota Engineering Society for nominating Francis Brink as Engineer of the Year. There was no basis for the threat against the South Dakota Engineering Society.

b. Repeatedly published remarks against Francis Brink, a registered professional engineer in South Dakota, that he was dishonest, incompetent, and acted fraudulently. There was no basis for these allegations other than the Respondent disagreed on the flood criteria for water drainage.

c. Alleged that Francis Brink had "taken bribes" along with Fred Rittershaus, Clark Engineering, and Banner & Helms. The Respondent stated that they were "in this together" (taking

bribes) with regard to the Aberdeen drainage design issues. There was no basis for these allegations.

d. Repeated allegations of "fraudulent acts" by various engineers in and around the Aberdeen area and that these engineers were involved in "illegal and unprofessional activity." There was no basis for these allegations of fraudulent acts and illegal and unprofessional activity.

e. Continued to bring charges against engineers in the Aberdeen area for "false representation," "false claims," and "clear lies" on drainage issues. There was no basis for these charges other than a dispute as to flood criteria to be used in drainage design.

f. Accused engineer Francis Brink of "throwing out votes" in conjunction with allegations of false claims, clear lies, false representation, fraud and bribery, and that such vote was nothing more than a consensus vote with no legal significance. The accusations lacked any factual basis.

The Board further found that the incidents were not isolated but constituted a three and one-half year vendetta where such remarks were repeatedly published and made known to the public, registered professional engineers and individuals associated with the engineering community in South Dakota. The Respondent was advised of the procedure for filing complaints against registrants but failed to do so. (Testimony of Gleeann Coates; State Exhibit 2)

5. The South Dakota Board of Technical Professions suspended the Respondent from the practice of engineering in South Dakota for a period of one year, effective June 22, 2000. The Respondent was required to successfully complete a course on ethics in professional engineering, to be selected by the Board, before the end of the suspension. Following the suspension, the Respondent will be on a five year period of probation, subject to terms and conditions. (Testimony of Gleeann Coates; State Exhibit 2)

6. The Respondent testified that the course on ethics is "in process," and he will be required to provide the South Dakota Board with a certificate of completion. (Testimony of Respondent)

7. The Respondent has not had discipline imposed on his licenses to practice professional engineering in any other state besides South Dakota. Some of the other jurisdictions where he is licensed are considering whether to take action based on the disciplinary action in South Dakota. In the Respondent's opinion, none of the other states will take disciplinary action against him.

Ronald Rossmiller, PhD, PE, a former faculty member of civil engineering at Iowa State University, submitted a letter to the Board in behalf of the Respondent. Dr. Rossmiller states that he has known the Respondent for over twenty years and is familiar with some of the circumstances in the state of South Dakota. During his association with Dr. Rossmiller, the Respondent has conducted himself in a professional manner. (Testimony of Respondent; Respondent Exhibits A, B)

CONCLUSIONS OF LAW

Iowa Code section 542B.21(6) provides, in relevant part:

542B.21 Suspension, revocation, or reprimand.

The board shall have the power by a five-sevenths vote of the entire board to suspend for a period not exceeding two years, or to revoke the certificate of licensure of, or to reprimand any licensee who is found guilty of the following acts or offenses:

...

6. Revocation or suspension of licensure to engage in the practice of engineering or land surveying, or other disciplinary action by the licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or other disciplinary action is prima facie evidence of such fact.

The preponderance of the evidence established that the South Dakota Board of Technical Professions imposed a one year suspension on the Respondent's license to practice engineering in that state, effective June 22, 2000. The Respondent is also required to complete a course on ethics and to complete a five year probation in South Dakota. The Respondent has violated Iowa Code section 542B.21(6).

ORDER

The violations which led to the suspension of the Respondent's license in South Dakota were serious breaches of professional ethics and are detrimental to the public interest. The Respondent agreed to an informal settlement with the South Dakota Board and then breached the settlement four days after it took effect. In his testimony before this Board, the Respondent expressed no remorse for his actions in the state of South Dakota. The Board does not believe that it is in the public interest for the Respondent to practice engineering in the state of Iowa until he

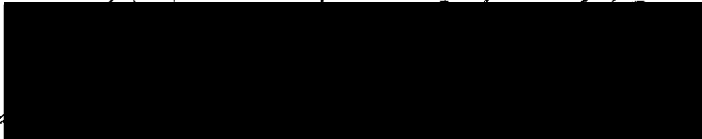
has fully satisfied the South Dakota Board's requirement that he complete a course in ethics.

IT IS THEREFORE ORDERED, that the Respondent's license to practice engineering in the state of Iowa, license no. 8249, is hereby SUSPENDED, effective upon service of this order.

IT IS FURTHER ORDERED, that the suspension will continue until this Board considers reinstating the Respondent's license to active status at its next regularly scheduled meeting after the Respondent provides this Board with a certificate of completion of the ethics course approved by the South Dakota Board. The Respondent must also provide this Board with written confirmation from the South Dakota Board that the ethics course was approved by them.

IT IS FURTHER ORDERED, pursuant to Iowa Code section 272C.6(6) and 193C IAC 4.51, that the Respondent shall pay a hearing fee of \$75.00, within thirty (30) days of the service of this order.

Dated this 4 day of APRIL, 2001.


Dwayne C. Garber, P.E./L.S.
Chairperson
Iowa Engineering and Land Surveying Examining Board

cc: Pamela Griebel
Assistant Attorney General
Department of Justice
Hoover State Office Bldg., 2nd Floor
Des Moines, Iowa 50319

Joseph G. Bertogli
300 Walnut, Suite 270
Des Moines, Iowa 50309
(CERTIFIED)

Judicial review of the Board's action may be sought in accordance with the terms of the Iowa administrative procedure Act, from and after the date of this final order. 193C IAC 4.25.