

13-11

11/7/13

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

Department of Commerce
Professional Licensing Bureau

IN THE MATTER OF:

Case No. 13-11

FILED 10/15/13 (Date)

DIA Docket No. 13ELS001

JELSEB

Jeffrey M. Williams, PE
PE #10526

Board / Commission

ORDER CONTINUING PR

Signature, Executive Officer

RESPONDENT

On September 17, 2013, the Board charged Jeffrey Williams with unethical conduct and a practice harmful and detrimental to the public. A prehearing conference was scheduled for October 31, 2013 with a hearing before the Board to follow on November 7, 2013.

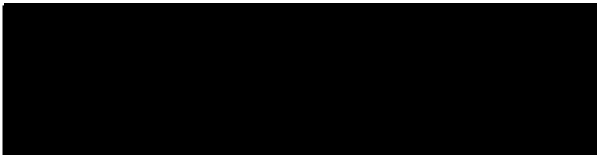
Prior to the date of the prehearing conference, the State, through its representative, Special Assistant Attorney General Pamela Griebel, with the concurrence of Respondent's counsel, Jenny Winterfeld, filed a motion to continue. The basis of the motion is that Respondent has signed a consent order which, if acceptable to the Board, will dispose of all issues involved herein. The State asks that the matter be continued to give the Board the opportunity to consider the consent order signed by Respondent.

Based on the foregoing, all further proceedings in this matter should be continued pending the Board's decision with regard to the consent order.

ORDER

The prehearing conference currently scheduled for October 31, 2013 and the hearing currently scheduled for November 7, 2013 are hereby CONTINUED until further order of the Board.

Signed this 14th day of October, 2013.



Kerry Anderson
Administrative Law Judge

cc: Pam Griebel – AG
Jenny Winterfeld – Respondent's Attorney
Robert Lampe – Board

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

FILED October 8, 2013 (Date)

Engineering and Land Surveying
Board / Commission

IN THE MATTER OF:)

Jeffrey M. Williams, PE)
PE # 10526)

RESPONDENT)

Case No. 13-11

STATE'S APPLICATION TO
CONTINUE

Signature, Executive Officer

The State of Iowa moves to continue the hearing set for November 7, 2013, and the prehearing conference, as follows:

1. The Board charged Mr. Williams on September 17, 2013 with unethical conduct and a practice harmful and detrimental to the public. Hearing is set for November 7, 2013.


2. With the permission of Mr. Williams' counsel, the undersigned discussed possible settlement with Board Chair Marlon Vogt. As a result of this discussion, Mr. Williams has signed a Consent Order which, if acceptable to the full Board, will fully resolve the pending contested case.

3. Chair Vogt and the State will recommend the Consent Order. It is in the interest of administrative judicial economy for the Board to continue the prehearing conference and hearing set for November 7, 2013 to give the Board the opportunity to consider the signed Consent Order.

Wherefore, with the concurrence of Mr. Williams' counsel, the State requests that the hearing set for November 7, 2013 along with the prehearing conference be continued until further order of the Board.

Respectfully submitted,

THOMAS J. MILLER
Attorney General of Iowa



Pamela D. Griebel

Assistant Attorney General
Hoover Building, 2nd Fl.
Des Moines, IA 50319
Phone: 515-281-6403
Email: Pamela.Griebel@iowa.gov

Original filed.

Copies via email to Jenny Williams, counsel for Jeffrey Williams, and Meggan Van Gundy,
DIA, for transfer to the assigned ALJ

FILED 10/5/13 (Date)

FELSEB

Board / Commission

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

Signature, Executive Officer

IN THE MATTER OF:)

Jeffrey M. Williams, PE)
PE #10526)

RESPONDENT)

CASE NO. 13-11

CONSENT ORDER

The Iowa Engineering and Land Surveying Examining Board ("Board") and Jeffrey M. Williams, PE ("Respondent") agree as follows:

1. The Board has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 542B (2013).

2. The Board issued Respondent a license by comity as a professional engineer on September 14, 1984. His license is active and will next expire on December 31, 2013.

3. The Board charged Respondent on September 17, 2013 with unethical conduct and a practice harmful and detrimental to the public based on four misdemeanor criminal convictions in *State v. Williams*, Case no. FECR005167, Lyon County. Respondent plead guilty to nonfelonious misconduct in office for knowingly using or permitting another to use county property to do time of transfer septic sewer inspections for personal gain.

4. Respondent has satisfied all monetary fines, costs, and restitution. He was placed on probation for a period of two years commencing January 24, 2013.

5. Hearing is currently set for November 7, 2013. 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. Respondent acknowledges that he had an opportunity to consult with legal counsel before agreeing to this Consent Order and that he did consult with legal counsel.

6. 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 7.42.

7. 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.

8. 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.

9. This Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2013).

10. 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) (2013). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

11. 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. Suspension. Respondent's license as a professional engineer is suspended for 30 days commencing on the day this Consent Order is signed by all parties.

B. Probation. Respondent's license as a professional engineer shall be on probation as soon as he completes serving the suspension. He may apply to be released from probation as soon as he satisfies all terms of the Consent Order and is released from probation by the criminal court.

C. Ethics Education. By December 1, 2013, Respondent shall enroll in and by July 1, 2014 Respondent shall successfully complete the advanced, 90 PDH, distance learning course in engineering ethics sponsored by the Murdough Center at Texas Tech University. Respondent may not apply these hours to the continuing education required for renewal.

AGREED AND ACCEPTED:

Respondent

[Redacted Signature]

Jeffrey M. Williams, PE

Date Oct 5, 2013

Iowa Engineering and Land Surveying
Examining Board

[Redacted Signature]

By: Marlon Vogt, PE, Chair

Date 11/7/13

DATE OF ISSUANCE 11/7/2013

FILED 9/17/2013 (Date)

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

~~Board / Commission~~
[Redacted]

Signature, Executive Officer

IN THE MATTER OF:
Jeffrey M. Williams, PE
PE# 10526

Case No. 13-11

Respondent.

NOTICE OF HEARING AND
STATEMENT OF CHARGES
IN A DISCIPLINARY CASE

The Iowa Engineering and Land Surveying Examining Board ("Board") issues this Notice of Hearing pursuant to Iowa Code Sections 17A.12(2) and 17A.18(3) (2013). Respondent is a licensed professional engineer. His license is active and is scheduled to expire on December 31, 2013. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 542B (2013).

**A. TIME, PLACE AND NATURE OF HEARING,
AND HEARING PROCEDURES**

1. **Hearing.** A disciplinary contested case hearing will be held before the Board on the 7th day of November, 2013, at 1 p.m. at the Board's offices at 200 E. Grand, Ste. 350 Des Moines, IA 50309

2. **Answer.** Within 20 days of the date you are served with this Notice you must file an answer to the charges as provided in 193 Iowa Administrative Code 7.9.

3. **Prehearing Conference.** A prehearing conference will be held by telephone on the 31st day of October, 2013, at 1:30 p. m. before an Administrative Law Judge from the Iowa Department of Inspections and Appeals ("ALJ"). You are responsible for notifying the Board office of the telephone number at which you or your counsel can be reached. Please send this number to: Iowa Engineering and Land Surveying Examining Board, Attention: Robert Lampe, Executive Officer, 200 E. Grand, Ste. 350, Des Moines, IA 50309. Phone until October 11, 2013: 515-281-7360; Phone on and after October 14, 2013: 515-725-9024; E-mail: robert.lampe@iowa.gov. Board rules on prehearing conferences may be found at 193 Iowa Administrative Code 7.21.

4. **Presiding Officer.** The full Board shall serve as presiding officer at hearing, pursuant to Iowa Code section 272C.6(1) and 193 Iowa Administrative Code 7.10(1). The Board may request that an ALJ make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing, as described in 193 Iowa Administrative Code 7.10(4).

5. **Hearing Procedures.** Board rules on hearing procedures may be found at 193 Iowa Administrative Code chapter 7. You have the right to respond to the charges, produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at

hearing. Consult rule 193 Iowa Administrative Code 7.22 if you need to request an alternative time or date. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. **Default.** If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 193 Iowa Administrative Code 7.27.

7. **Prosecution.** Licensee disciplinary cases are prosecuted by an Assistant Attorney General acting on behalf of the public interest (the State). Copies of all pleadings shall be filed with the Board, with copies mailed to: Assistant Attorney General Pamela Griebel, Iowa Department of Justice, Hoover Building, 2nd Fl., Des Moines, Iowa, 50319. Phone: 515-281-6403; E-mail: pgriebe@ag.state.ia.us.

8. **Respondent's Counsel.** Copies of all pleadings filed with the Board shall be provided to: Jenny Winterfeld, Klay, Veldhuizen, Bindner, De Jong, De Jong, Halverson, and Winterfeld, P.L.C., 121 Albany Avenue NE, P.O. Box 405, Orange City, IA 51041; Phone: 712-737-4851 (Orange City office), 712-722-3211 (Sioux Center office); E-mail: jwinterfeld@klaylaw.com.

9. **Settlement.** The procedural rules governing the Board's settlement process are found at 193 Iowa Administrative Code 7.42. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Pamela Griebel.

10. **Communications.** You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Assistant Attorney General Pamela Griebel, or Robert Lampe.

B. CIRCUMSTANCES

11. Respondent was charged with multiple crimes on July 19, 2012, as reflected in the Trial Information filed August 27, 2013, in *State v. Williams*, Case No. FECR005167, Lyon County.

12. Respondent entered into a Plea Agreement on January 24, 2013, in which he entered guilty pleas to four counts of nonfelonious misconduct in office. In each count he agreed he knowingly used or permitted another to use county property to do a time of transfer inspection and charge a fee for personal gain in violation of Iowa Code section 721.2(5), which provides:

"Any public officer or employee, or any person acting under color of such office or employment, who knowingly does any of the following, commits a serious misdemeanor:

5. Uses or permits any other person to use the property owned by the state or any

subdivision or agency of the state for any private purpose and for personal gain, to the detriment of the state or any subdivision thereof.”

13. Judgment was entered against respondent on January 24, 2013. He was sentenced to one year in jail, which time was suspended and replaced with two years of probation, and ordered to pay fines, surcharges, costs, and victim restitution. Respondent paid the fines, costs, and criminal restitution. The victim restitution to Lyon county totaled \$1,470.00.

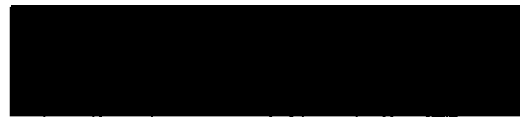
14. The actions underlying the criminal convictions occurred in 2010, 2011, and 2012, while respondent was the Lyons County Engineer. The State Auditor conducted a special investigation and filed a report on June 11, 2013, which summarizes the factual basis for the septic system inspection fee issue at the center of the criminal charges against respondent.

C. STATEMENT OF CHARGES

15. The Board charges respondent with unethical conduct and a practice harmful and detrimental to the public, in violation of Iowa Code section 542B.21(3).

16. The Board found probable cause to file charges on September 12, 2013.

This Notice of Hearing and Statement of Charges is filed and issued on the 17
day of September, 2013.


Robert Lampe, Executive Officer
Iowa Engineering and Land Surveying Examining Board
Current address:
1920 SE Hulsizer Road
Ankeny, Iowa 50021
Address as of October 14, 2013:
200 E. Grand, Ste. 350
Des Moines, IA 50309.
Phone until October 11, 2013: 515-281-7360
Phone on and after October 14, 2013: 515-725-9024
E-mail: robert.lampe@iowa.gov.

Copies to:

Assistant Attorney General Pamela Griebel
Respondent (restricted certified mail, return receipt requested)
Respondent's counsel
Department of Inspections and Appeals, assigned Administrative Law Judge