

**BEFORE THE BOARD OF ELECTRICAL EXAMINERS
OF THE STATE OF IOWA**

IN THE MATTER OF:)	CASE NO. EEB201510
)	DIA NO. 15EEB001
CORY WALSH,)	
)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
RESPONDENT)	DECISION AND ORDER

On July 22, 2015, the Iowa Board of Electrical Examiners (Board) found probable cause to file a Notice of Hearing and Statement of Charges against Cory Walsh (Respondent). Respondent was charged with: Count I - III: making misleading, deceptive, untrue, or fraudulent representations or engaging in unethical conduct or in a practice harmful to the public; and Count IV: Fraudulently procuring a certificate of licensure. The hearing was held on October 15, 2015 at 11:15 a.m. Assistant Attorney General John Lundquist represented the state of Iowa. Respondent failed to appear for the hearing.¹

The following Board members presided at the hearing: T.J. Meiners, Licensed Electrical Engineer, Chairperson; Kathryn Kunert, Public Utility Representative; Allen DeHeer, Journeyman Electrician – Union; Marg Stoldorf, Public member; Lisa Peterson, Electrical Inspector; Emily Wuebker, Public Member; Wayne Engle, Electrical Contractor; Todd Cash, Master Electrician; Jeffrey Quigle, Iowa Fire Marshal; John Marino, Building Official; and Kyle Barnhart, Journeyman Electrician. Administrative Law Judge John M. Priester assisted the Board in conducting the hearing.

The hearing was closed to the public, pursuant to Iowa Code section 272C.6(1)(2015). After hearing the testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f)(2015), to deliberate its decision. The Board instructed the administrative law judge to prepare Findings of Fact, Conclusions of Law, Decision and Order for their review, in conformance with their deliberations.

¹ Respondent was properly served with the Notice of Hearing by personal service on July 24, 2015 but failed to appear for hearing.

THE RECORD

The record includes the State Exhibits, pp. 1-18; the testimony of Brian Young, Executive Secretary for the Board; and Vern Roe, Electrical Inspector for the Board.

FINDINGS OF FACT

1. Respondent was born on January 10, 1979. He applied for an Apprentice License on January 3, 2008. He was initially issued an Apprentice License on December 11, 2008. On December 9, 2008 the Respondent applied for a Master Class B license with the Board. On December 29, 2008, the Respondent was issued a Master Class B license by the Board. In April of 2009 the Respondent applied for an Electrical Contractor License and this was granted on April 9, 2008. The Respondent renewed his Master B and Electrical Contractor in January of 2011 and in January of 2014.

2. The Board's rules went into effect on January 1, 2009 governing the issuance of Master B Licenses. Those Master B license holders were "grandfathered" in and did not have to meet the new testing requirements if the applicant was practicing as a Master Electrician on or before January 1, 1998. The Respondent signed an affidavit that states "I hereby state that I was practicing as a master electrician on or before January 1, 1998, and have continued to practice as a master electrician through December 31, 2007. . . All statements contained herein are true and correct to the best of my ability." (Ex. 16-7) The Respondent would have been 18 years old on January 1, 1998.

The Board was inundated with requests by applicants to become Master B electricians as the year 2008 came to a close. The Board relied on the information provided on the applications to grant or deny the application. The Board was not able to investigate each application individually.

The Respondent indicated on his application that he possessed experience for 48 months as an apprentice, 48 months as a journeyman electrician and 24 months as a job superintendent or foreman. On his application he stated that he had 120 months, or 10 years, experience. (Ex. 16-2) On the date of this application the Respondent was 28 years old.

3. The Respondent has been practicing as a Master B Electrician and a Contractor in the Waukon, Iowa area. Inspectors with the State Fire Marshall's office have identified no less than five separate electrical installations in Waukon and Lansing, Iowa, that the Respondent was responsible for performing for which no electrical permits were

requested from the bureau. Each of the identified electrical installations was subject to the permitting and inspection requirements of Iowa Code section 103. One of these installations involved the installation of the county's 911 system. During the installation the Respondent was responsible for severing the power line and the 911 system was not operational. Since June 2010 the Respondent has purchased 77 electrical permits that remain open awaiting a final passing electrical inspection.

4. Between September 2014 and May 2015, the Respondent on no less than thirteen separate occasions either failed to remit payments for the permits or inspections he requested from the State Fire Marshall's electrical bureau or submitted payment through a non-sufficient funds account. As of the date of the hearing the Respondent has a balance of \$1,335 due and owing to the State Fire Marshall's electrical bureau for unpaid permit and inspection fees.

While acting as an electrical contractor, the Respondent conducted electrical installations that were subject to the permitting and inspection requirements of Iowa Code chapter 103. On nine different properties the Respondent did not timely remit the fees for permits and inspections.

5. In late 2014 or early January 2015, the Respondent was the electrical contractor responsible for performing electrical installations at a residential property in Waukon, Iowa. The electrical installations the Respondent performed at this property were subject to the permitting and inspection requirements of Iowa Code chapter 103. The Respondent's on-line permitting and inspection account with the State Fire Marshall's electrical bureau was suspended in early 2015 due to nonpayment of permitting and inspection fees.

In order to obtain the required permits and inspections for the Waukon electrical installations, on or about January 23, 2015, the Respondent created a new online permitting and inspection account with the State Fire Marshall's electrical bureau in the name of the Waukon property's homeowner. The Respondent established this account in the homeowner's name without the homeowner's knowledge or consent.

CONCLUSIONS OF LAW

Iowa Code chapter 103 (2015) governs electricians and electrical contractors. That chapter creates the Electrical Examining Board and gives the Board the authority to adopt administrative rules to promote public safety. Iowa Code § 103.6(1)(a). The Board also has the authority to "revoke, suspend, or refuse to renew any license granted

pursuant to this chapter when the licensee violates any provision of . . . this chapter, or any rule adopted pursuant to this chapter.” Iowa Code § 103.6(2).

That chapter defines a “Class B master electrician” as “a person having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise the installation of electrical wiring, apparatus, and equipment who meets and is subject to the restrictions of section 103.10.” Iowa Code § 103.1(6).

Iowa Code chapter 103 governs new and electrical installations for commercial, multi-family units, and single family residential homes. Iowa Code § 103.23(1), (2) and (3). The statute also covers existing electrical installations “observed during inspection which constitute an electrical hazard.” Iowa Code § 103.23(4) and 661 Iowa Administrative Code 552.1(1).

The statute also includes the requirement for the requesting of an inspection and the requirement to pay the associated fees. That subchapter provides:

At or before commencement of any installation required to be inspected by the board, the licensee or property owner making such installation shall submit to the state fire marshal’s office a request for inspection. . . . The board shall also prescribe methods by which inspection fees can be paid, which may include electronic methods of payment. If the board or the state fire marshal’s office becomes aware that a person has failed to file a necessary request for inspection, the board shall send a written notification by certified mail that the request must be filed within fourteen days. . . . A person who fails to file a late request within fourteen days from receipt of the notification shall be subject to a civil penalty to be determined by the board by rule.

Iowa Code § 103.25(1).

The Board may suspend or revoke the certificate of license if the Board finds that the licensee has committed:

1. Fraud in procuring a certificate of licensure.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of the licensee’s profession or engaging in

unethical conduct or practice harmful to the public. Proof of actual injury need not be established.

Iowa Code § 103.35(1) – (3).

The Board promulgated administrative rules to implement Iowa Code chapter 103. These are found in 661 Iowa Administrative Code 552. These rules state that prior to the commencement of “any electrical installation requiring an inspection, the person making such installation shall notify the electrical inspection program of the installation by applying for a permit . . . and shall request an inspection of the installation . . .” 661 IAC 552.2.

If a licensee is found to have commenced an electrical installation subject to inspection, and if the licensee fails to file a request for a permit and inspection form from the Board within 14 days of commencing work on the electrical installation, that licensee is subject to a civil penalty of \$750 for each violation. 661 IAC 553.1.

COUNT I

The Respondent was charged with knowingly making misleading, deceptive, untrue, or fraudulent representations or engaging in unethical conduct or in a practice harmful to the public by establishing an electrical permitting and inspection account with the State Fire Marshall’s electrical bureau in the name of a homeowner without the homeowner’s knowledge or consent in violation of Iowa Code sections 103.23, 103.25, 103.35(3), 272C.10(3), and/or 661 IAC 552.1, 552.2., 553.1.

The Board found by a preponderance of the evidence that the Respondent engaged in unethical conduct when he established the electrical permitting and inspection account in the name of a homeowner without that homeowner’s knowledge or permission. This action was found to be both misleading and deceptive.

COUNT II

The Respondent was charged with knowingly making misleading, deceptive, untrue, or fraudulent representations or engaging in unethical conduct or in a practice harmful or detrimental to the public by procuring electrical permits or inspections without remitting the required permitting or inspection fees in a timely manner and or remitting the required permitting or inspection fees through a non-sufficient funds account in

violation of Iowa Code sections 103.23, 13.25, 13.35(3), 272C.10(3), and/or 661 IAC 552.1, 552.2, and 553.1.

The Board found by a preponderance of the evidence that between September 2014 and May 2015, the Respondent on no less than thirteen occasions either failed to remit payments for the permits or inspections he requested from the Fire Marshall's electrical bureau or submitted payment through a non-sufficient funds account. At the time of the hearing the Respondent owed \$1,335.00 to the Fire Marshall's electrical bureau.

COUNT III

The Respondent was charged with engaging in a practice that is harmful or detrimental to the public by commencing an electrical installation that was subject to inspection without first applying for an electrical permit or failing to request and or obtain a final passing inspection of an installation in violation of Iowa Code sections 103.23, 103.25, 103.35(3), 272C.10(3), and/or 661 IAC 552.1, 552.2, and 553.1.

The Board found by a preponderance of the evidence that the Respondent on at least five occasions the Respondent was responsible for electrical installations for which no permit were requested from the bureau. One of the projects undertaken by the Respondent without requesting a permit was the electrical work performed on the 911 Emergency Communications tower at 878 Highway 9, Waukon, Iowa. During this installation the Respondent inadvertently cut the power to the 911 tower and it was without power. This action placed the residents of the area in danger.

Additionally the Respondent, since June 2010, has purchased 77 electrical permits that remain open awaiting a final passing electrical inspection.

COUNT IV

The Respondent was also charged with fraudulently procuring a certificate of licensure in violation of Iowa Code section 103.35(1), 272C.10(1), and/or 661 IAC 503.2.

The Board found by a preponderance of the evidence that the Respondent fraudulently signed an affidavit stating that he was practicing as a master electrician on or before January 9, 1998. The Board found that as an 18 year old it would not have been possible for him to have accumulated the years of experience needed to be a master electrician. Based upon this fraudulent affidavit the Respondent was issued a certificate of licensure to be a master electrician.

DECISION AND ORDER

IT IS THEREFORE ORDERED that any license issued to Respondent Cory Walsh, including the Master Class B and Electrical Contractor licenses, are hereby **REVOKED effective upon the completion of the appeal period if no appeal is filed.** The Respondent is required to commence the licensing process as if he has never been issued a license to practice as an electrician in the state of Iowa.

IT IS FURTHER ORDERED that a civil penalty shall be imposed in the amount of \$750 for each of the five violations found in Count III. This civil penalty shall total \$3750. The civil penalty must be satisfied before the Respondent is eligible to begin the relicensure process.

Dated this day of November , 2015.

T.J. Meiners
Chairperson
Iowa Board of Electrical Examiners

Kyle T Barnhart 12/17/15
Kyle T Barnhart
Vice Chairperson

cc: Cory Walsh, 933 Iowa River Drive, Dorchester, IA 52140 (Restricted Certified)
 John Lundquist, Assistant Attorney General, Hoover State Office Building
 (Local)

Judicial review of the board's decision may be sought in accordance with the terms of Iowa Code chapter 17A and Iowa Code section 103.39(6).

