

ORSBORN, MILANI, MITCHELL & GOEDKEN, L.L.P.

ATTORNEYS AT LAW

105 WEST VAN BUREN

P.O. BOX 518

CENTERVILLE, IOWA 52544-0518

TELEPHONE 641-856-3251

FAX 641-856-5548

Writer's E-Mail: plewis@ommglaw.com

OTTUMWA OFFICE
110 EAST THIRD STREET
P.O. BOX 878
OTTUMWA, IOWA 52501-0878
TELEPHONE (641)682-5447
FAX (641)682-6940

JAMES G. MILANI
GREGORY G. MILANI
RYAN J. MITCHELL
JOSEPH P. GOEDKEN

BRET R. LARSON
EDUARDE COX

ALLAN C. ORSBORN (RETIRED)
WILBUR R. DULL (1914-1994)
GEORGE A. MILANI (1900-1992)

February 13, 2017

VIA E-MAIL: john.lundquist@iowa.gov
AND U.S. MAIL

Mr. John R. Lundquist
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, IA 50319

RE: Iowa Board of Electrical Examiners vs. Jonathan Hart, d/b/a Corner Hart Electric;
Case No. EEB201611

Dear John:

Please find enclosed the Informal Settlement Agreement and Consent Order signed by Jonathan Hart.

I appreciate your help and cooperation and I genuinely feel like you on behalf of the Board, or hopefully, myself on behalf of Jon, have worked out something favorable to all of our mutual interests.

I think Jon wants to do a good job as a contractor and tradesman. I am sure the Board expects nothing less. I really think Jon's problems are mostly growing pains.

On the wall by my desk is a Charter from the "United Brotherhood of Maintenance of Way Employes and Railway Shop Laborers" dated the 21st day of December, 1918, recognizing Lodge No. 359 at Centerville, Iowa. In the early 50's, I was a member of a "Bridge Crew" and a member of this Lodge (Union).

Best Regards,


James G. Milani

JGM/pal
cc: Jonathan Hart

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

IN THE MATTER OF:)	CASE NUMBER: EEB201611
)	
JONATHAN HART)	
d/b/a CORNER HART ELECTRIC)	
)	INFORMAL SETTLEMENT
20502 490th ST)	AGREEMENT AND
CENTERVILLE, IA 52544)	CONSENT ORDER
)	
Respondent.)	

The Iowa Electrical Examining Board (Board) and Jonathan Hart (Respondent) enter into this Informal Settlement Agreement and Consent Order (Order) pursuant to Iowa Code Sections 17A.10 and 272C.3(4) (2017).

1. On August 17, 2009, the Board issued Respondent Jonathan Hart class “A” master electrician license number EL-184-MA and electrical contractor license number EL-184-EC. The Respondent was actively licensed as both a class “A” master electrician and an electrical contractor at all times relevant to this matter. The Respondent’s access to his permitting and inspection account with the State Fire Marshall’s electrical bureau is presently limited due to the number of open electrical permits pending final inspection registered to that account.

2. The Board has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 103 and 272C. Licenses issued by the Board are subject to the laws of the State of Iowa and to the administrative rules of the Board.

SETTLEMENT AGREEMENT

3. On November 7, 2016, the Commission issued a Statement of Charges against the Respondent. A true and accurate copy of said Statement of Charges is attached to this Order as Exhibit 1. The parties voluntarily enter into this Order in compromise of contested claims. Solely for settlement purposes, the Respondent, without admission of wrongdoing or guilt, does not contest the violations alleged in Counts I and II of the above-referenced Statement of Charges.

4. The Respondent acknowledges that he has a right to a hearing before the Board on the merits of the charges. By freely and voluntarily entering into this Order, the Respondent waives his right to a hearing and all attendant rights, including the right to

seek judicial review. This Order constitutes discipline against the Respondent, and is the final agency order in this contested case pursuant to Iowa Code section 17A.

5. The Respondent agrees that the State's attorney and/or Board staff may present this Order to the Board and may have ex parte communications with the Board while presenting it. The Respondent waives any right of notice of this meeting or any right that the Respondent might have to participate in the discussion of this Order among the Board, the Board staff, and the State's attorney.

6. This Order shall be part of the permanent record of the 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 of the laws and rules governing electrical installations, permitting, and inspection and/or electrician licensing by the Respondent.

7. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code section 272C.3(2)(a) and shall be grounds for further disciplinary action. However, no action may be taken against the Respondent for violations of this Order without a hearing, or waiver of hearing.

8. This Order is not binding on the Board until it has been formally approved by a majority of the Board members.

- a. In the event that this Order is rejected by the Board it shall be of no force or effect to 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.

9. Upon acceptance by both the Board and the Respondent, this Order shall be a public record available for inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22.

CONSENT ORDER

IT IS THEREFORE ORDERED:

10. REPRIMAND. Pursuant to Iowa Code section 272C.3(2)(f), the Respondent is reprimanded.

11. SUSPENSION. The Respondent's class "A" master electrician and electrical contractor licenses shall be suspended indefinitely commencing on June 1, 2017, pending:

- a. Satisfactory closure through a passing final inspection of all open electrical permits purchased by the Respondent as of the date of this Order. The Board's Executive Secretary shall provide the Respondent a listing of all such open permits within seven (7) days of the Board's approval of this Order.
- b. Installation of a compliant equipment grounding conductor at the Wayne Community School's softball complex in Corydon, Iowa, per the specifications designated by the project's electrical engineer. A copy of the relevant work drawing specifying the complaint grounding conductor size is attached to this Order as Exhibit 2.

Upon the Respondent's completion of the above-detailed conditions, the Respondent's class "A" master electrician and electrical contractor licenses shall be reinstated by order of the Board's Executive Secretary and the Respondent's permitting and inspection account with the State Fire Marshall's electrical bureau shall be restored to full privileges.

12. STAY OF PENALTY. The Respondent voluntarily agrees to diligently work with Board staff to resolve any pending permitting issues relating to electrical installations he has completed or commenced prior to the Board's acceptance of this Order, including but not limited to scheduling and passing final inspections on open permits or previously failed inspections. In consideration of the Respondent's voluntary assurances to resolve such permitting issues, the Board agrees to stay enforcement of the license suspension imposed by paragraph 11 above, provided that the Respondent by no later than May 31, 2017:

- a. Submits to the Board a plan of correction approved by the Board's Executive Secretary that addresses how the Respondent intends to accomplish closure of the open electrical permits identified in subparagraph 11-a above. The plan of correction shall provide that all open permits shall be closed or otherwise resolved to the satisfaction of Board staff no later than February 1, 2018. Upon his submission of an approved plan of correction to the Board, the Respondent's permitting and inspection account with the State Fire Marshall's electrical bureau shall be restored to

full privileges so long as the Respondent substantially complies with the plan of correction. Failure of the Respondent to substantially comply with the approved plan of correction shall also be grounds for the denial, suspension, or revocation of the Respondent's electrical licenses.

- b. Complete installation of a complaint equipment grounding conductor, including obtaining a final passing electrical inspection from an inspector employed by the State Fire Marshall's electrical bureau, as provided for in subparagraph 11-b above.

Should the Respondent fail to satisfactorily accomplish either of these two conditions on or before May 31, 2017, the Respondent's class "A" master electrician and electrical contractor licenses shall be suspended effective June 1, 2017 as provided for in paragraph 11 above.

13. DISMISSAL. In consideration of the Respondent's agreement to enter into this Order, the Board dismisses Count III of the above-referenced Statement of Charges. The Board reserves the right until February 1, 2018 to refile this dismissed charge should the Board find probable cause to charge the Respondent with having engaged, after the approval date of this Order, in similar conduct.

14. FUTURE COMPLIANCE. The Respondent shall at all future times fully and promptly comply with all pertinent Orders of the Board and the statutes and Board rules regulating electrical installations, permitting, and inspection, and electrician licensing in the state of Iowa. Nothing in this Order shall excuse the Respondent from complying with applicable license renewal and continuing education requirements.

WHEREFORE, the terms of this Informal Settlement Agreement and Consent Order are agreed to and accepted by the Iowa Electrical Examining Board and the Respondent.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by **JONATHAN HART** on this 13th day of February, 2017.


By: **JONATHAN HART**

FOR THE BOARD:

Voluntarily agreed to and accepted by the **IOWA ELECTRICAL EXAMINING BOARD** on this _____ day of _____, 2017.

KYLE BARNHART, Chair
Iowa Electrical Examining Board

STATE OF IOWA
BEFORE THE IOWA BOARD OF ELECTRICAL EXAMINERS

IN THE MATTER OF:)	CASE NUMBER: EEB201611
)	
JONATHAN HART)	
d/b/a CORNER HART ELECTRIC)	
)	NOTICE OF HEARING AND
20502 490th ST)	STATEMENT OF CHARGES
CENTERVILLE, IA 52544)	
)	
Respondent.)	

The Iowa Electrical Examining Board (Board) issues this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17A.18 (2016). The Board has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 103 and 272C. Licenses issued by the Board are subject to the laws of the State of Iowa and to the administrative rules of the Board.

1. The Board issued the Respondent class "A" master electrician license number EL-184-MA on August 17, 2009. The Respondent's class "A" master electrician license is current and in full force and effect through December 31, 2016. The Respondent was an actively licensed class "A" master electrician at all times relevant to this matter.

2. The Board issued the Respondent electrical contractor license number EL-184-EC on August 17, 2009. The Respondent's electrical contractor license is current and in full force and effect through December 31, 2016. The Respondent was an actively licensed electrical contractor at all times relevant to this matter.

NOTICE OF HEARING

3. **HEARING.** A contested case hearing will be held concerning the below-stated disciplinary charges before the Iowa Electrical Examining Board (Board) on **December 15, 2016 at 11:00 AM**, in Room 125 at the Oran Pape Building, 215 East 7th Street, Des Moines, Iowa.

4. **ACKNOWLEDGMENT.** The Board requests that you file a statement to acknowledge receipt of the notice of hearing within 10 days of the date you are served with this Notice.

5. **PRESIDING OFFICER.** The full Board shall serve as presiding officer at hearing, pursuant to Iowa Code section 272C.6(1) and 661 Iowa Administrative Code sections 10.306 and 553.3. The Board may request that an administrative law judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing. *See* 481 Iowa Admin. Code § 10.26.

6. **HEARING PROCEDURES.** Board rules on hearing procedures may be found at 661 Iowa Administrative Code section 10.301 *et seq.* *See* 661 Iowa Admin. Code § 553.3. You have the right to respond to the charges, produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally and be represented by counsel at your own expense. Consult rule 661 Iowa Administrative Code section 10.317 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.

7. **DEFAULT.** If you fail to appear at hearing, the Commission 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 661 Iowa Administrative Code section 10.322.

8. **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 Commission, with copies mailed to:

John R. Lundquist
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Phone: 515-281-3658
john.lundquist@iowa.gov

9. **RESPONDENT'S COUNSEL.** Copies of all pleadings filed with the Board shall also be provided to Respondent's counsel of record:

None

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 John R. Lundquist or the Board's Executive Secretary, Brian Young, at 515-725-6179 or brian.young@iowa.gov.

STATEMENT OF CHARGES

COUNT I

11. The Respondent is charged with engaging in a practice that is harmful or detrimental to the public by failing to timely 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 Iowa Administrative Code sections 552.1, 552.2.

CIRCUMSTANCES

12. Dating back to February 2012, the Respondent has purchased no less than 36 electrical permits that remain open as of the date of this filing awaiting a final passing electrical inspection. Many of these open permits have been the subject of either a failing or only partially passing inspection. Despite the lack of a final passing permit, many of the properties subject to these open permits are presently occupied by the property owners.

COUNT II

13. The Respondent is charged with engaging in a practice harmful or detrimental to the public and/or professional incompetency by installing an undersized equipment grounding conductor in violation of Iowa Code sections 103.6(1)(a), 103.6(2), 103.35(2), 103.35(3), 272C.10(2), 272C.10(3) and/or 661 Iowa Administrative Code section 504.1.

COUNT III

14. The Respondent is 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 providing untruthful and/or misleading information to the State Fire Marshall's electrical bureau in response to an electrical inspection / complaint investigation in violation of Iowa Code sections 103.35(3) and 272C.10(3).

CIRCUMSTANCES

15. In 2014, the Respondent was the electrical contractor responsible for performing electrical installations at a public use facility located in Corydon. The

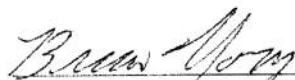
Respondent performed electrical installations at this facility that were subject to the permitting and inspection requirements of Iowa Code chapter 103. The 2011 National Electrical Code (NEC) governed the electrical installations in question. *See* Iowa Code § 103.6(1)(a); 661 Iowa Admin. Code § 504.1 (11/2/2011).

16. NEC Article 250.122 (2011) governed the minimum allowable sizing of equipment grounding conductors for the above-identified electrical installations.

17. An inspection of the above-identified electrical installations at the Corydon facility was conducted by an inspector employed by the State Fire Marshall's electrical bureau on August 27, 2014. This inspection revealed that the Respondent, or an employee under the supervision or direction of the Respondent, installed a noncompliant undersized equipment grounding conductor. The undersized conductor was installed contrary to applicable NEC code provisions and the specifications designated by the electrical engineer overseeing the installation.

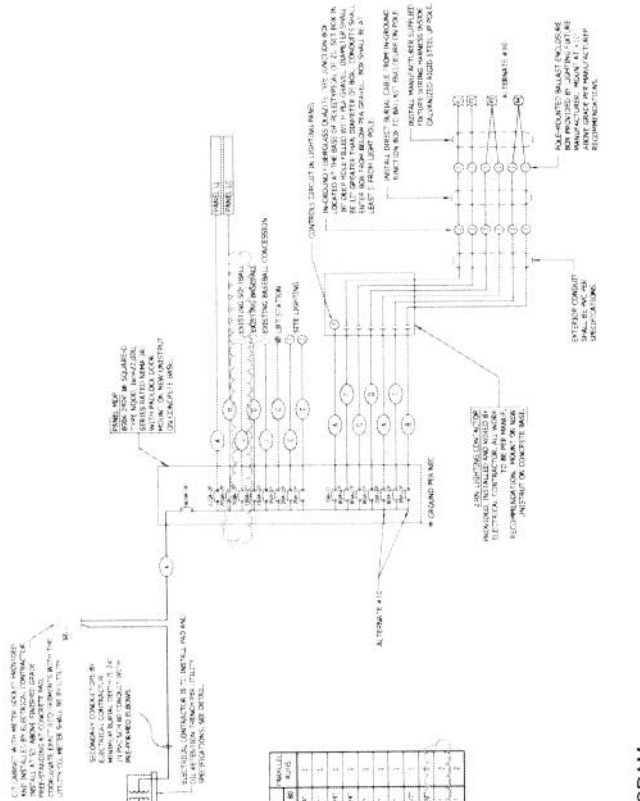
18. In response to the findings of this failed inspection, the Respondent falsely claimed to the State Fire Marshall's electrical bureau that the electrical engineer had revised the work drawings to authorize the installation of the undersized equipment grounding conductor. The electrical engineer instead communicated to the State Fire Marshall's electrical bureau that no such revision to the work drawings had occurred and that he never authorized the Respondent to install the noncompliant undersized conductor in question.

This Notice of Hearing and Statement of Charges is filed and issued on the 7th day of November, 2016.



Brian Young, Executive Secretary
Iowa Electrical Examining Board

Copies to:
Respondent Jonathon Hart
Assistant Attorney General John Lundquist
Department of Inspections and Appeals, assigned Administrative Law Judge



ELECTRICAL RISER DIAGRAM

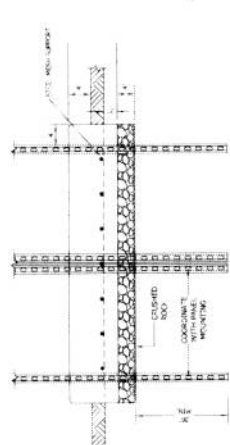
NO SCALE

PANELBOARD SCHEDULE

Panel	Branch	Panel Type	Panel Size	Panel Rating	Panel Voltage	Panel Breakers	Panel Description
1	Main	Panel UC	48" x 36"	400A	480V	400A, 3P, 3W, 3T	Main Distribution Panel
2	Branch	Panel II	48" x 36"	400A	480V	400A, 3P, 3W, 3T	Branch Panel II
3	Branch	Panel LC	48" x 36"	400A	480V	400A, 3P, 3W, 3T	Branch Panel LC
4	Branch	Panel UC	48" x 36"	400A	480V	400A, 3P, 3W, 3T	Branch Panel UC
5	Branch	Panel UB	48" x 36"	400A	480V	400A, 3P, 3W, 3T	Branch Panel UB

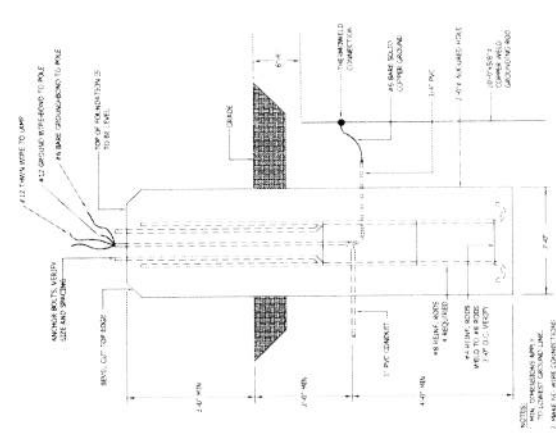
PANELBOARD SCHEDULE

Panel	Branch	Panel Type	Panel Size	Panel Rating	Panel Voltage	Panel Breakers	Panel Description
1	Main	Panel UC	48" x 36"	400A	480V	400A, 3P, 3W, 3T	Main Distribution Panel
2	Branch	Panel II	48" x 36"	400A	480V	400A, 3P, 3W, 3T	Branch Panel II
3	Branch	Panel LC	48" x 36"	400A	480V	400A, 3P, 3W, 3T	Branch Panel LC
4	Branch	Panel UC	48" x 36"	400A	480V	400A, 3P, 3W, 3T	Branch Panel UC
5	Branch	Panel UB	48" x 36"	400A	480V	400A, 3P, 3W, 3T	Branch Panel UB



PANEL BOARD SUPPORT BASE DETAIL

NO SCALE



PARKING LOT POLE BASE DETAIL

NO SCALE

