

RECEIVED

JUN 20 2022

STATE OF IOWA
BEFORE THE IOWA BOARD OF ELECTRICAL EXAMINERS

IN THE MATTER OF:

GARY L. COLBY, JR.,
d/b/a IOWA POWER ELECTRIC, LLC
License Nos. EL004891MA, EL004891EC

19036 SE Clover Ridge Dr.
Ankeny, IA 50021

Respondent.

Case No. EEB 21-102

**INFORMAL SETTLEMENT
AGREEMENT AND
CONSENT ORDER**

The Iowa Electrical Examining Board [Board] and Gary L. Colby, Jr. [Respondent] enter into this Informal Settlement Agreement and Consent Order [Order] pursuant to Iowa Code Sections 17A.10 and 272C.3(4) (2022).

1. The Board has issued Respondent Gary L. Colby, Jr. class "A" master electrician license number EL004891MA and electrical contractor license number EL004891EC. The Respondent's licenses are current and in full force and effect through December 31, 2022. The Respondent was actively licensed as both a class "A" master electrician and an electrical contractor at all times relevant to this matter.

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.

STATEMENT OF CHARGES

COUNT I

3. The Respondent is charged with engaging in a practice that is harmful or detrimental to the public by aiding or abetting an unlicensed person in performing electrical contracting services in violation of Iowa Code sections 103.8, 103.20(1), 103.35(3), 103.39(1), 272C.10(3), and/or 661 Iowa Administrative Code rules 502.1(3); 503.2.

COUNT II

4. The Respondent is charged with knowingly making misleading, deceptive, untrue, or fraudulent representations or engaging in a practice harmful or detrimental to the public by fraudulently procuring on behalf of an unlicensed person an electrical permit and/or inspection for an electrical installation performed by that unlicensed person in violation of Iowa Code

section 103.20(1), 103.35(3), 272C.10(3), and/or 661 Iowa Administrative Code rules 503.2, 552.2, 553.1.

CIRCUMSTANCES

5. Mark Bockenstedt and CMC Electric [Bockenstedt] were retained in late 2021 to perform an electrical installation at a property located on Warren Avenue in Cumming, Iowa. Bockenstedt subsequently commenced work in furtherance of this electrical installation.

6. Although previously licensed by the Board, Bockenstedt's electrical contractor and master electrician licenses were not renewed and expired on December 31, 2016. Having no active electrical licenses, Bockenstedt cannot perform any activities of a licensed electrical contractor or a master electrician. Nor may Bockenstedt request an electrical permit or inspection from the Board offices on behalf of another property owner.

7. At Bockenstedt's request, the Respondent submitted a permit application and request for inspection to the Board offices on or about October 11, 2020, for the above-referenced electrical installation. Yet, Bockenstedt, not the Respondent, performed all electrical installation services covered by the requested permit. At all relevant times, Bockenstedt was not an employee of the Respondent. Nor was the Respondent ever retained by the property owner to perform any of the above-referenced electrical installation services.

8. By submitting a permit application and request for inspection to the Board offices for electrical installations performed by Bockenstedt, the Respondent aided or abetted Bockenstedt in the performance of unlicensed electrical contracting services.

SETTLEMENT AGREEMENT

9. The Respondent admits each and every allegation in the above-stated Statement of Charges.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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:

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

17. SUSPENSION. The Respondent's electrical contractor license shall be suspended for 180 days commencing immediately upon the Board's acceptance of this Order. The Respondent's access to his permitting and inspection account with the State Fire Marshall's electrical bureau shall be limited throughout the duration of the suspension of his electrical contractor's license. Upon completion of the agreed upon suspension, the Respondent's 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.

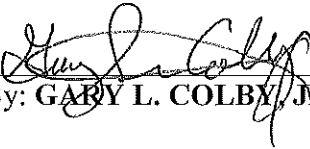
18. FUTURE COMPLIANCE. The Respondent shall at all future times fully and promptly comply with all pertinent Orders of the Board and the statutes and Board rules regulating electrical installations, permitting, and inspection, and electrician licensing in the state

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.

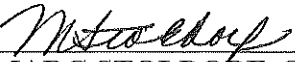
FOR THE RESPONDENT:

Voluntarily agreed to and accepted by **GARY L. COLBY, JR.** on this 15th day of June, 2022.


By: **GARY L. COLBY, JR.**

FOR THE BOARD:

Voluntarily agreed to and accepted by the **IOWA ELECTRICAL EXAMINING BOARD** on this 18th day of August, 2022.


MARG STOLDORF, Chair
Iowa Electrical Examining Board