

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

IN THE MATTER OF:)	CASE NUMBER: EEB201510
)	
CORY WALSH)	NOTICE OF HEARING AND
)	STATEMENT OF CHARGES
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 (2015). 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.

The Board issued the Respondent class "B" master electrician license number EL-3494-MB on December 29, 2008. The Respondent's class "B" master electrician license is current and in full force and effect through December 31, 2016. The Respondent was an actively licensed class "B" master electrician at all times relevant to this matter.

The Board issued the Respondent electrical contractor license number EL-3494-EC on April 9, 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.

1. **HEARING.** A contested case hearing will be held concerning the below-stated disciplinary charges before the Iowa Electrical Examining Board (Board) on **October 15, 2015, at 11:15 o'clock AM**, in Room 125 at the Oran Pape Building, 215 East 7th Street, Des Moines, Iowa.

2. **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.

3. **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 10.306 and 553.3. The Board may request that an ALJ make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

4. **HEARING PROCEDURES.** Board rules on hearing procedures may be found at 661 Iowa Administrative Code chapter 10. *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 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.

5. **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 322.

6. **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

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

None

8. **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 at 515-281-3658, or the Board's Executive Secretary, Brian Young, at 515-725-6179 brian.young@iowa.gov.

STATEMENT OF CHARGES

COUNT I

9. The Respondent is 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 Iowa Administrative Code sections 552.1, 552.2, 553.1.

CIRCUMSTANCES

10. In late 2014 and/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. See Iowa Code § 103.23; 661 Iowa Admin. Code §§ 552.1, 552.2.

11. The Respondent's online 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.

12. In order to obtain the required permits and inspections for the Waukon electrical installations, the Respondent created on or about January 23, 2015, 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.

COUNT II

13. 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 procuring electrical permits or inspections without remitting required permitting or inspection fees in a timely manner and/or remitting required permitting or inspection fees through a non-sufficient funds account 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, 553.1.

CIRCUMSTANCES

14. Between September 2014 and May 2015, the Respondent on no less than thirteen separate occasions either failed to remit payment 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 this filing, the Respondent has a balance of \$1,235.00 due and owing to the State Fire Marshall's electrical bureau for unpaid permit and inspections fees.

15. The permits and inspections for which fees were not timely remitted related to nine different properties at which the Respondent was the electrical contractor responsible for performing electrical installations. Each of these electrical installations was subject to the permitting and inspection requirements of Iowa Code chapter 103. See Iowa Code § 103.23; 661 Iowa Admin. Code §§ 552.1, 552.2.

COUNT III

16. The Respondent is 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 Iowa Administrative Code sections 552.1, 552.2, 553.1.

CIRCUMSTANCES

17. Inspectors employed by the State Fire Marshall's electrical bureau identified no less than four separate electrical installations in the Waukon and Lansing, Iowa, areas that the Respondent was responsible for performing for which no electrical permits were requested from the bureau. Each of these identified electrical installations was subject to the permitting and inspection requirements of Iowa Code chapter 103. See Iowa Code § 103.23; 661 Iowa Admin. Code §§ 552.1, 552.2.

18. Dating back to June 2010, the Respondent has purchased 77 electrical permits that remain open awaiting a final passing electrical inspection.

COUNT IV

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

CIRCUMSTANCES

20. The Respondent was issued a class "B" master electrician license by the Board on or about December 29, 2008.

21. To qualify for a class "B" master electrician license without passing an examination, a person must have been practicing as a master electrician on or before January 1, 1998. See Iowa Code § 103.10. The Respondent has not successfully passed a qualifying master electrician examination.

22. In support of his application for a class "B" master electrician examination, the Respondent submitted a sworn affidavit to the Board verifying his work experience that falsely attested that he was practicing as a master electrician on or before January 1, 1998.

23. The Respondent actually had less than two years' experience working as an electrician on or before January 1, 1998. Two years would provide insufficient time for the Respondent to obtain adequate training and the work experience necessary to qualify him to practice as a master electrician.

24. The Board relied upon the misstatements in his work verification affidavit to issue the Respondent a class "B" master electrician license for which he was not otherwise eligible to receive.

This Notice of Hearing and Statement of Charges is filed and issued on the 22nd day of July, 2015.



Brian Young, Executive Secretary
Iowa Electrical Examining Board

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