

**IOWA STATE DEPARTMENT
OF EDUCATION
(Cite as 19 D.o.E. App. Dec. 69)**

<i>In re Vern Kiel</i>	:	
Sheldon Community School District, Complainant,	:	
v.	:	ORDER
Vern Kiel, Respondent.	:	[Admin Doc. #4276]

This matter comes before Administrative Law Judge Susan E. Anderson, J.D., on Respondent’s Stipulated Agreement and Waiver of Formal Hearing [hereinafter, “the Agreement”]. Respondent, Vern Kiel, was unrepresented by counsel. Complainant, Sheldon Community School District, was represented by Danielle Latham of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P. C., Des Moines, Iowa.

Respondent’s bus driver’s permit was relinquished to the Department of Education on October 3, 2000. The undersigned Administrative Law Judge has reviewed the Agreement, which is deemed to be in compliance with 281 Iowa Administrative Code Chapters 6 and 43.

After reviewing the Agreement, the undersigned approves it and orders that Respondent’s school bus driver’s permit be permanently revoked with no possibility of reissuance or reinstatement. A copy of the Agreement is attached as “Exhibit A” and is incorporated into this Order. A copy of the Complaint is attached as “Exhibit B” and is also incorporated into this Order.

IT IS THEREFORE ORDERED, that Respondent’s Stipulated Agreement and Waiver of Formal Hearing is accepted by the Department as its Findings of Fact and that Respondent Vern Kiel’s school bus driver’s permit is permanently revoked with no possibility of reissuance or reinstatement.

Dated this 24th day of October, 2000.

SUSAN E. ANDERSON, J.D.
ADMINISTRATIVE LAW JUDGE

TED STILWILL, DIRECTOR
DEPARTMENT OF EDUCATION

EXHIBIT "A"

STIPULATED AGREEMENT AND WAIVER OF FORMAL HEARING

I, Vern Kiel, swear or affirm under oath:

that I am the Respondent in the case currently before the Iowa Department of Education;

that I have voluntarily relinquished my school bus driver's permit permanently as of October 3, 2000;

that I have voluntarily chosen not to be represented by legal counsel;

that I have been informed of and have received a copy of the allegations against me; to wit that I am in violation of bus driver's permit qualifications under Iowa Code section 321.375 and under section 281—43.12 of the Iowa Administrative Code;

that I have been informed of and understand the nature of the proceedings before the Department and have received a copy of the applicable rules (281 Iowa Administrative Code, Chapter 43);

that I am aware of the Department's legal authority to exonerate, warn, or reprimand me as a licensed individual, following a Department investigation into allegations of conduct in violation of Department criteria, and of the Department's authority to suspend or revoke my bus driver's permit for conduct in violation of Department criteria;

that I understand that I have an opportunity to be heard and to contest the allegations against me in formal hearing before the Department; and that by waiving the formal hearing, I admit as true the material facts of the allegations against me as indicated below, and as a consequence, my privilege to drive school buses in Iowa will be permanently revoked;

that I understand that by waiving formal hearing, I do not waive my right to notice of the Department's proposed decision, nor my right to appeal therefrom or to seek re-hearing under the provisions of 281 Iowa Administrative Code 6.20 and 6.21.

My actions, which constituted violation(s) of the Department's criteria, were as follows:

On September 1, 2000, I was administratively suspended from work with pay until investigation could be completed regarding sexual harassment allegations from a 21-year-old female individual. On September 9, 2000, Superintendent Robin Spears notified me in person that the allegations had been founded and I

voluntarily relinquished my bus driver's permit.. Such actions constitute personal or moral habits which are detrimental to the best interests of safety and the welfare of the children transported in violation of Iowa Code section 321.375(1)(c) and 281 Iowa Administrative Code 43.12(6).

HAVING ACKNOWLEDGED MY RIGHTS AS OUTLINED ABOVE, I hereby formally waive my right to a hearing before the Department and request that my bus driver's permit be permanently revoked. I affirm that my decision is made voluntarily and knowingly.

DATE

VERN KIEL

STATE OF IOWA) ss

COUNTY OF POLK

Signed (or attested) before on _____ by _____.

Notary Public Signature

My Commission expires _____.