

IOWA STATE DEPARTMENT  
OF EDUCATION

(Cite as 18 D.o.E. App. Dec. 114)

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*In re Loren Beyer* :  
Lynnvile-Sully Community :  
School District, Complainant, :  
v. : ORDER  
Loren Beyer, :  
Respondent. : [Admin Doc. #4181]

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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, Loren Beyer, was represented by John Terpstra of Brierly Law Office, Newton, Iowa. Complainant, Lynnvile-Sully Community School District, was represented by Ann Tompkins of Gruhn Law Firm, Cedar Rapids, Iowa.


Respondent's bus driver's permit was relinquished to the Department of Education on December 1, 1999. The undersigned Administrative Law Judge and Complainant's counsel have reviewed the Agreement, which we deem to be in compliance with Chapter 281 of the Iowa Administrative Code.

After reviewing the Agreement and discussing it with counsel for both Respondent and Complainant, 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 Loren Beyer's school bus driver's permit is permanently revoked with no possibility of reissuance or reinstatement.

Dated this 18<sup>th</sup> day of January, 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, Loren Beyer, swear or affirm under oath:

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

that I have voluntarily relinquished my school bus driver's permit permanently as of December 1, 1999;

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(2), 281—43.12 of the Iowa Administrative Code and Lynnville-Sully Board policy Code 411 10;

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 (Iowa Administrative Code, Chapter 281);

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 consequence, my privilege to drive school bus 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 rehearing under the provisions of Iowa Administrative Code 281-6.20 and 6.21

My actions, which constituted violation(s) of the Department's criteria, were as follows: On October 26, 1999, I was assigned to drive a bus load of students and staff on an all-day field trip from Lynnville-Sully Community Schools to Des Moines, Iowa. Tests conducted at approximately between 10:30 a.m. and 12:30 p.m. detected the presence of alcohol in my system. Such actions constitute personal or moral habits which are detrimental to the best interests of the safety and welfare of the children transported in violation of Iowa Code section 321.375(1)(c) and Iowa Administrative Code 281-43.12(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 revoked. I affirm that my decision is made voluntarily and knowingly.

1/11/2000  
Date

Loren Beyer  
Loren Beyer, Respondent

1/11/2000  
Date

[Signature]  
Notary Public  
(seal applied)