

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF: MICHAEL GOLDSMITH Operator No. 2670	ADMINISTRATIVE CONSENT ORDER 2016-WS-03
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TO: Michael Goldsmith
400 15th Street
Corning, IA 50841

I. SUMMARY

The Iowa Department of Natural Resources (“DNR”) and Michael Goldsmith hereby agree to the issuance of this administrative consent order (“Order”) pertaining to Mr. Goldsmith’s water treatment and water distribution operator certifications.

Any questions regarding this Order should be directed to:

John Crotty
Attorney, Iowa Department of Natural Resources
502 E. 9th Street
Des Moines, IA 50319

Phone: 515-725-8249
Email: john.crotty@dnr.iowa.gov

II. JURISDICTION

DNR is taking this action pursuant to the authority granted in Iowa Code sections 272C.3, 272C.10, 455B.219, and 567 Iowa Administrative Code (“IAC”) 81.17(3).

III. STATEMENT OF FACTS

1. Mr. Goldsmith was employed by Corning Municipal Utilities (“CMU”) from approximately 1983 through August 2015. Mr. Goldsmith was operator-in-charge of the CMU water treatment plant since November 1999. Mr. Goldsmith holds a Grade III water treatment certification and a Grade IV water distribution certification.

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2. Since August 2000, DNR has repeatedly advised Mr. Goldsmith of deficiencies in the discharge of his duties as a certified water treatment and distribution operator. These deficiencies include, but are not limited to, the following:

- Improper operation of equipment;
- Failure to maintain and calibrate equipment;
- Inadequate sampling frequency;
- Use of improper sampling methods;
- Failure to maintain required records;
- Failure to submit required records;
- Submission of inaccurate and incomplete records.

3. During DNR investigations on May 27, 2015 and July 15, 2015, Mr. Goldsmith admitted to falsifying fluoride and alkalinity data on Monthly Operation Reports submitted to DNR.

IV. CONCLUSIONS OF LAW

1. Iowa Code sections 455B.219 and 272C.10 and 567 IAC 81.17(1) specify criteria which may form the basis for a disciplinary action. These criteria include failure to use reasonable care or judgment or to apply knowledge or ability in performing the duties of a certified operator; knowingly making any false statement, representation, or certification on any application, record, report, or document required to be maintained or submitted under any applicable permit or rule of the DNR; professional incompetence; knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public; and willful or repeated violations of the provisions of Iowa Code chapters 272C or 455B, division III.

2. Iowa Code section 272C.3(2) and 567 IAC 81.17(2) provide that disciplinary actions may include revocation, partial revocation, suspension, probation, requirements for additional education, training and examination, and assessment of civil penalties up to \$1,000.00. 567 IAC 81.17(3) provides that DNR and a licensee may enter into a settlement agreement which includes a disciplinary action.

V. ORDER

Therefore, DNR orders and Mr. Goldsmith agrees to the following:

1. Mr. Goldsmith's Grade III water treatment certification shall be permanently revoked.
2. Mr. Goldsmith's Grade IV water distribution certification shall be permanently revoked.

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3. Mr. Goldsmith shall be prohibited from holding any DNR water treatment or water distribution certifications in the future.

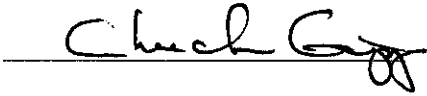
VI. WAIVER OF APPEAL RIGHTS

Iowa Code section 455B.219 entitles a water treatment operator to a hearing prior to revocation of a certificate. This Order is entered into knowingly by, and with the consent of, Mr. Goldsmith. By signing this Order, all rights to a hearing or appeal of this Order are waived.



Michael Goldsmith

Dated this 11 day of
March, 2016



Chuck Gipp
Director
Iowa Department of Natural Resources

Dated this 16th day of
March, 2016