

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

IN THE MATTER OF: KEVIN W. STOCKER Operator No. 5325	ADMINISTRATIVE CONSENT ORDER 2023-WS-06
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To: Kevin W. Stocker
302 NE Trent Ave.
Elkhart, Iowa 50073

I. SUMMARY

The Iowa Department of Natural Resources (DNR) and Kevin Stocker hereby agree to the issuance of this administrative consent order (Order) pertaining to Mr. Stocker's status as a certified operator in the fields of drinking water treatment and distribution.

Any questions regarding this Order should be directed to:

Relating to technical requirements:

Janet Gastineau, Env. Specialist Senior
DNR Field Office 5
502 E. 9th St.
Des Moines, Iowa 50319
515-725-0268

Relating to legal requirements:

Bradley Adams, Attorney
Wallace State Office Building
502 E. 9th St.
Des Moines, Iowa 50319
515-664-8894

II. JURISDICTION

Iowa Code section 455B.219 and 567 Iowa Administrative Code (IAC) 81.17(2) provide that disciplinary actions against certified operators 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)(a) provides that the DNR and a certified operator may enter into a settlement agreement that includes a disciplinary action.

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III. STATEMENT OF FACTS

1. Mr. Stocker currently holds certification as a Grade 4 water treatment, Grade 4 water distribution, and Grade 4 wastewater operator. His certificate is #5325.
2. At all times relevant to this Order, Mr. Stocker was employed at Des Moines Water Works (DMWW).
3. On August 2, 2023, Nathan Casey, DMMW's Director of Water Production, contacted Janet Gastineau (DNR Environmental Specialist Senior) of DNR Field Office 5 (FO5) to inform her that that an operator had inadvertently made inquiries about self-monitoring, which led to an internal investigation regarding the falsification of documents by Kevin Stocker.
4. On August 8, 2023, Mr. Casey summarized DMWW's investigation by telephone and confirmed that Mr. Stocker's employment was terminated on August 4, 2023, for falsifying self-monitoring process data. DNR asked Mr. Casey to submit a written summary of DMMW's investigation.
5. On August 15, 2023, Mr. Casey submitted a summary of DMWW's investigation into the events occurring during and after the discovery of Mr. Stocker's falsification, and the history of events going back through the end of 2022.
6. On August 31, 2023, Ms. Gastineau and Emma Huston (FO5 Environmental Specialist) conducted on site interviews with Mr. Casey and Josh Russell, DMWW's Supervisor of Operators, at the water treatment plant. Ms. Gastineau and Ms. Huston determined that DMWW's investigatory findings were credible, and that the allegations against Mr. Stocker were founded.

IV. CONCLUSIONS OF LAW

Iowa Code section 455B.219 and 567 IAC 81.17(1) specify criteria which may form the basis for a disciplinary action against a certified operator. These criteria include failing to use reasonable care or judgment in performing the duties of a certified operator; failing to submit required records of reports; 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 DNR; professional incompetence; and/or 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.

The facts stated in Section III of this Order establish a violation of this regulatory provision.

V. ORDER

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Therefore, DNR orders and Mr. Stocker agrees to the following as a settlement under 567 IAC 81.17(3)(a):

1. On the date this order becomes effective, Mr. Stocker agrees to voluntarily surrender his Water Treatment 4, Water Distribution 4, and Wastewater Treatment 4 Operator Certifications. Mr. Stocker may request the DNR to re-evaluate his eligibility to retest for grade 1 certifications after July 1, 2025.
2. On the date this order becomes effective, Mr. Stocker shall be prohibited from holding any DNR certifications for drinking water treatment, drinking water distribution, and/or wastewater treatment until July 1, 2025.

VI. WAIVER OF APPEAL RIGHTS

As this Order is entered into by consent of the parties, there is no right of appeal.

VII. NONCOMPLIANCE

Adherence to the provisions in Section V of this Order constitutes full satisfaction of all requirements pertaining to the violations described in the Statement of Fact. Failure to comply with this Order may result in the imposition of administrative penalties pursuant to an administrative order, or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.146.

Kevin Stocker

Kevin Stocker (Dec 12, 2023 18:20 GMT+3)

Kevin W. Stocker

Date: 12/12/2023

Kayla Lyon, Director
Iowa Department of Natural Resources

CC: Field Office 5, Bradley Adams