

BEFORE THE IOWA ENGINEERING AND LAND SURVEYING EXAMINING BOARD

IN THE MATTER OF:

MICHAEL BEARDEN,

RESPONDENT.

Case No. 21-03

DIAL No. 24DBELS0003

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND ORDER**

On April 22, 2024, the Iowa Engineering and Land Surveying Examining Board (Board) found probable cause to file a Notice of Hearing and Statement of Charges charging Michael Bearden (Respondent) with 1) four counts of deceptive practices in violation of 193C Iowa Administrative Code (IAC) 9.3(3), and 2) two counts of having been convicted of a felony, in violation of 193C IAC 9.3(8). The charges were amended on August 1, 2024, eliminating count one.

The hearing was held on September 12, 2024. A record was made pursuant to 193 IAC 7.14, in which Board members Mindy Bryngelson and James Sweeney explained their past relationship to the Respondent. Following questioning by Assistant Attorney General Lindsey Browning, Mindy Byngelson withdrew from participation. James Sweeney determined his withdrawal was unnecessary.

The hearing was held before the following members of the Board: Rose Gillen, public member, Chairperson; James Sweeney, PE; J. Brian Morrissey, PE/PLS; Todde Folkerts, PE/PLS; and Jack Jones, public member. Assistant Attorney General Lindsey Browning and Angela Stuedemann represented the state of Iowa. Respondent Michael Bearden did not appear for hearing. The hearing was open to the public, pursuant to Iowa Code section 272C.6(1). Administrative Law Judge Emily Kimes-Schwiesow assisted the Board in conducting the hearing and was instructed to prepare the Board's decision in accordance with their deliberations.

THE RECORD

The record includes the testimony of Ashley Thompson, Detective Trevor Killian and State's Exhibits 1-7.