

**IN THE COURT OF APPEALS OF IOWA**

No. 9-558 / 09-0016  
Filed August 6, 2009

**DARIN LEROY CROOKS,**  
Plaintiff-Appellee,

**vs.**

**FLOYD COUNTY CIVIL SERVICE  
COMMISSION,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Floyd County, John S. Mackey,  
Judge.

The parties appeal from the district court's ruling on the Floyd County Civil  
Service Commission's order upholding Crooks's termination. **AFFIRMED IN  
PART AND REVERSED IN PART.**

Jesse M. Marzen, County Attorney, and Normand Klemesrud, Charles  
City, for appellant.

Joel J. Yunek of Yunek Law Firm, P.L.C., Mason City, for appellee.

Considered by Sackett, C.J., and Eisenhauer and Doyle, JJ.

**EISENHAUER, J.**

Darin Leroy Crooks was terminated from his employment with the Floyd County Sheriff's Office on April 12, 2007. Crooks appealed the action to the Floyd County Civil Service Commission. In a May 15, 2007 letter, the commission stated, pursuant to Iowa Code section 341A.12 (2005), Crooks would not be permanently removed, suspended, or reduced in rank until it had made a decision. On June 19, 2008, the commission upheld the termination.

Crooks appealed the commission's order to the district court. On December 4, 2008, the district court entered an order finding Crooks was terminated for cause, but was entitled to back pay from April 12, 2007, through June 19, 2008. The Floyd County Sheriff appealed the award of back pay and Crooks cross-appealed.

We first address Crooks's cross-appeal.<sup>1</sup> He contends the commission's order upholding his termination was not made in good faith and his removal was not for cause. Our review is for the correction of errors at law. *Haberer v. Woodbury County*, 560 N.W.2d 571, 575 (Iowa 1997). In determining whether the commission's decision meets the statute's standard of good faith and cause, the district court must employ the substantial evidence standard. *Id.* Evidence is substantial if a reasonable person would accept it as adequate to reach a conclusion. *Id.*

Pursuant to Iowa Code section 341A.12, the district court is to measure the commission's action by a standard of good faith prompted solely by "cause."

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<sup>1</sup> We note Crooks filed his notice of cross-appeal but the appeal was never docketed. Because the parties have briefed the issue we choose to address it.

*Id.* Thus, “the commission’s decision must be upheld if based on cause and reached in good faith.” *Id.* “Good faith” means honesty of intention. *Id.* In determining whether cause exists, the district court must focus “on the ability and fitness of an employee to discharge the duties of his or her position, bearing in mind the legislative purpose to protect the public against incompetence and maintain high standards of performance.” *Id.*

We find no error in the district court’s ruling finding substantial evidence supports Crooks’s termination. Crooks did not present evidence the commission failed to act in good faith in upholding his termination. Although the commissioners had connections to the sheriff, as the district court noted, there is nothing in the record to suggest their decision affirming his decision to terminate Crooks was made on anything other than the record before it. There is substantial evidence that Crooks was terminated for just cause. The evidence shows Crooks (1) was insubordinate, (2) failed to follow the sheriff’s rules, policies, and procedures, and (3) was derelict in his duties. These acts are grounds for removal of a deputy sheriff under sections 341A.11(1), (2), and (7). Accordingly, the portion of the district court’s order affirming the commission’s removal of Crooks is affirmed.

However, we reverse the portion of the court’s order that states “and to the extent that Crooks was terminated without pay from and after April 12, 2007, judgment is hereby entered in his favor for back pay for the period from April 12, 2007, through June 19, 2008.” Section 341A.12 states the commission’s ruling may be appealed to the district court and a hearing held on the matter.

Such hearing shall be confined to the determination of whether the finding and decision of the commission to affirm, modify, or revoke the order of the sheriff was made in good faith and for cause, and no appeal shall be taken except upon such grounds.

Iowa Code § 341A.12. In reviewing the decision of the Civil Service Commission, the district court's determination is limited to whether the Commission's decision was made in good faith and for just cause. *Currans v. Linn County Civil Serv. Comm'n*, 540 N.W.2d 469, 472 (Iowa Ct. App. 1995). In determining Crooks was entitled to back pay, the trial court acted beyond the authority granted by Iowa law. This portion of the court's ruling was in error.

**AFFIRMED IN PART AND REVERSED IN PART.**