

IN THE IOWA DISTRICT COURT FOR VAN BUREN COUNTY

STATE OF IOWA,	*	
Plaintiff,	*	CIVIL CASE NO. _____
vs.	*	PETITION FOR REMOVAL
ABRAHAM K. WATKINS	*	FROM OFFICE
Defendant.	*	(VERIFIED)

COMES NOW the State of Iowa, through F. Montgomery Brown, pursuant to the provisions of Chapters 66 and 331 of the Code of Iowa (2015), and in support of this verified petition for removal of Abraham K. Watkins from the office of County Attorney of Van Buren County, Iowa, states as follows:

1. Jurisdiction of the court is conferred by Chapter 66 of the Code of Iowa, including but not limited to Iowa Code Section 66.3(5).
2. Defendant Abraham Watkins is the duly-elected and presently-serving County Attorney of Van Buren County, Iowa. Defendant was elected to a full four year term in November of 2014 and began his term January 1, 2015. Defendant's present term expires January 1, 2019.
3. As Defendant is the subject of this removal action he is excluded from prosecuting this action pursuant to Iowa Code § 66.11.
4. Attorney F. Montgomery Brown has been, by resolution of the Van Burren County Board of Supervisors, authorized to file this petition for removal pursuant to Iowa Code § 331.754(4)(authorizing the board of supervisors to appoint an attorney to act as county

attorney in a civil proceeding if the county attorney and all assistant county attorneys are disqualified by conflict).

5. Defendant has engaged in willful misconduct or maladministration in office in violation of Iowa Code Section 66.1A(2) in the following particulars:

- a) Defendant engaged in an act or acts creating a hostile work environment and/or constituting sexual harassment, including a pattern of conduct of sexual harassment, against more than one County employees and on multiple occasions. This conduct includes but is not limited to commenting on the appearance of a female employee's breasts, inquiring and/or verbally speculating about an employee's sexual health, appearing at work in the presence of female County employees wearing nothing below the waist except a pair of underwear ("briefs"), by displaying to a female employee photographs of a nude female, and by making other unwelcome and offensive comments of a sexual nature creating a hostile work environment. Such conduct is a violation of Iowa Rule of Professional 32:8.4(g)(professional misconduct to engage in sexual harassment), and Van Buren County's employee Manual. A copy of the relevant language from the Manual is attached hereto as Exhibit A. The above-described misconduct and maladministration and any failure to seek prompt corrective measures, including removal action, subjects Van Buren County to unreasonable risk of liability under federal and Iowa law. See *Erickson-Puttmann v. Gill and Woodbury County*, 212 F.Supp.2d 960 (ND Iowa 2002).

b) Defendant accepted private employment in connection with a matter sufficiently or substantially related to a criminal prosecution previously prosecuted by the office of the Van Buren County Attorney. Defendant accepted the private employment even though he knew such employment was in conflict with the pending criminal matter. This misconduct is in violation of Iowa Code section 331.755(2), and contrary to and in non-compliance with Iowa Rules of Professional Conduct 32:1.11(2). See *Committee on Professional Ethics and Conduct v. Liles*, 430 N.W.2d 111 (Iowa 1988). Section 331.755(2) provides:

A county attorney shall not:

“Engage directly or indirectly as an attorney or an agent for a party other than the state or the county in an action or proceeding arising in the county which is based upon substantially the same facts as a prosecution or proceeding which has been commenced or prosecuted by the county attorney in the name of the state or county. This prohibition also applies to members of a law firm with which the county attorney is associated.”

6. Defendant has engaged in intoxication in violation of Iowa Code section 66.1A(6) in that while under the influence of alcohol he engaged in execution of the duties of county attorney. Including but not limited to appearance in trial in the Iowa District Court while under the influence of alcoholic beverage. Intoxication while on the job as county employee is also prohibited by the Van Buren County employee Manual. A copy of the relevant language from the Manual is attached hereto as Exhibit B.
7. Defendant acknowledged the policies set forth in Exhibits A & B by written acknowledgment on December 17, 2014. Exhibit C.

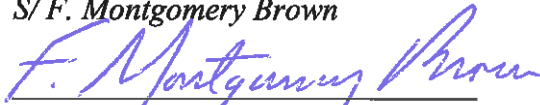
WHEREFORE, the State of Iowa requests the Court:

- A) That attorney F. Montgomery Brown be appointed by the Iowa District Court for Van Buren County to serve as special prosecutor of this action pursuant to Iowa Code Section 66.12.
- B) And set this matter for hearing in accordance with section 66.6, the Code of Iowa (2015), and that upon hearing, Abraham Watkins be removed from the office of County Attorney of Van Buren County, Iowa for willful misconduct or maladministration in office and for intoxication, as authorized by sections 66.1A(2) and 66.1A(6), the Code of Iowa (2015), that he be ordered to return all county property in his possession, and for such other relief as is equitable.

Respectfully submitted,

F. MONTGOMERY BROWN

S/ F. Montgomery Brown



F. MONTGOMERY BROWN
F.M. BROWN LAW FIRM, P.L.L.C.
1001 Office Park Rd., Suite 108
West Des Moines, Iowa 50265
Telephone: (515) 225-0101
FAX: (515) 225-3737

VERIFICATION

The undersigned Affiant, F. Montgomery Brown, hereby verifies under oath that an investigation of the foregoing allegations in this Petition has occurred and the allegations in said Petition are true and correct as I verily believe.

F. MONTGOMERY BROWN


F. MONTGOMERY BROWN

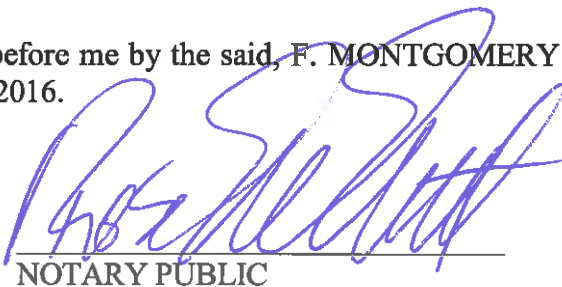
STATE OF IOWA

SS:

POLK COUNTY

Subscribed, sworn to, and acknowledged before me by the said, F. MONTGOMERY BROWN on this the 28th day of September, 2016.




NOTARY PUBLIC