

**BEFORE THE ENGINEERING AND LAND SURVEYING EXAMINING BOARD
OF THE STATE OF IOWA**

IN THE MATTER OF:)	
	)	CASE NO. 98-07
GRAVES CONSTRUCTION CO., INC.)	
an Iowa corporation)	
Main Street & 5 th Avenue	)	NOTICE OF INTENT TO
Box 208	)	ISSUE ORDER AND
Melvin, Iowa 51350	)	RESPONDENT'S RIGHT TO
	)	HEARING
RESPONDENT)	

YOU ARE HEREBY NOTIFIED that the Iowa Engineering and Land Surveying Examining Board (Board) intends to issue an order pursuant to Iowa Code section 542B.27(1999) imposing a civil penalty in the amount of \$1000 per violation on the following grounds:

1. Respondent Graves Construction Co., Inc. is an Iowa corporation with offices in Melvin, Iowa. Its registered agent is Kenneth W. Graves, Main Street & 5th Avenue, P.O. Box 208, Melvin, Iowa 51350.
2. Respondent performs construction services including the construction of falsework structures for bridge construction.
3. The Respondent is not owned or managed by, and does not regularly employ, licensed professional engineers as required by Iowa Code sections 542B.1 and 542B.27(1)(a), and 193C IAC 4.7 prior to offering professional engineering services to the public, or practicing professional engineering in Iowa.

COUNT 1

Respondent is charged with violation of Iowa Code § 542B.27(1)a by engaging in the practice of professional engineering without employing a licensed professional engineer to be in responsible charge of the work.

COUNT 2

Respondent is charged with using the certificate of licensure or the seal of a professional engineer in violation of Iowa Code § 542B.27(1)c.

CIRCUMSTANCES

4. The following projects were awarded to Graves Construction Co., Inc. by the Department of Transportation:

IDOT Project No. BROS-9011(5)5F-11
IDOT Project No. BROS-13(29)5F-13
IDOT Project No. BROS-13(28)-8J-13
IDOT Project No. FM-13(27)-55-13
IDOT Project No. BROS-75(34)-5F-75
IDOT Project No. BROS-75(38)-8J-25
IDOT Project No. BROS-9084(51)-8J-84
IDOT Project No. BROS-84(43)-60-84

5. The title block on each of the above listed plans identified Betker Stangeland, Inc. as the consulting engineers for the falsework on the projects.

6. On June 24, 1998, the Board requested that Mark Smith of Betker Stangeland provide information regarding a falsework plan certified by Scott Stangeland and dated 2/27/97 for a bridge in Buena Vista County (BROS-9011(5)—5F-11) and the same plan certified by Scott Stangeland on April 26, 1993 for Clay County (RS-176(2)—61-21). Both versions of this plan were submitted by Graves Construction Co., Inc.

7. On July 8, 1998, in response to the Board's request, Betker Stangeland submitted a list of bridge projects for which they had prepared falsework plans. The above listed projects do not appear on that list. Betker-Stangeland informed the Board that any plans submitted under their company name or certified differently than those on the list provided to the Board were not prepared by their firm.

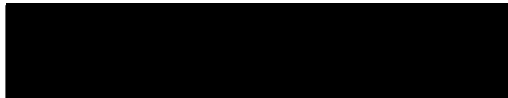
8. It appears the Respondent has altered falsework plans that were properly prepared and sealed for one project for use on another project without going back to the engineering firm for review/approval before using them.

WHEREFORE, the respondent may request a hearing within thirty (30) days of the date this Notice is mailed through restricted, certified mail. A request for hearing must be made in writing to the Board at 1918 SE Hulsizer, Ankeny, Iowa 50021, and will be deemed made on the date of the United States postmark or the date of personal service. If a request for hearing is not timely made, the Board shall issue the order in the notice imposing a civil penalty of \$1000 per violation for a total civil penalty of \$8,000. If a request for hearing is timely made, a separate notice of hearing shall issue. The Board will conduct a public hearing in the matter as applicable to disciplinary cases against licensed engineers or land surveyors. If a civil penalty is imposed and not paid within thirty days of

entry of the order, the Board shall notify the Attorney General and the Attorney General may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs.

Issued and mailed by restricted, certified mail this 22nd day of June, 1999.

Iowa Engineering and Land Surveying Examining Board



By: Glean Coates, Executive Officer
Iowa Engineering and Land Surveying Examining Board

BEFORE THE ENGINEERING AND LAND SURVEYING EXAMINING BOARD
OF THE STATE OF IOWA

IN THE MATTER OF:	)	CASE NO. 98-07
)	
GRAVES CONSTRUCTION CO., INC.)	
an Iowa corporation)	
Main Street & 5th Avenue)	
Box 208)	
Melvin, Iowa 51350)	
RESPONDENT	)	REQUEST FOR HEARING BY RESPONDENT

YOU ARE HEREBY NOTIFIED that the Respondent, Graves Construction Co., Inc. hereby requests a hearing regarding the Board's Notice of Intent to Issue Order.

This Request was mailed by restricted certified mail on July 14, 1999.

Respectfully submitted,

CORBETT, ANDERSON, CORBETT, POULSON,
FLOM & VELLINGA

By: 

Rodney D. Vellinga WO-000-5701
#400 Security Bank Building
423 Sixth Street
P. O. Box 3527
Sioux City, Iowa 51102
712-277-1261
712-277-6631 fax
ATTORNEYS FOR RESPONDENT

**BEFORE THE ENGINEERING AND LAND SURVEYING EXAMINING BOARD
OF THE STATE OF IOWA**

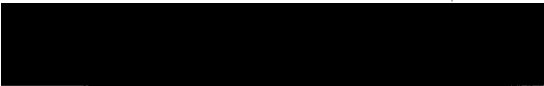
IN THE MATTER OF:)	
	)	CASE NO. 98-07
GRAVES CONSTRUCTION CO., INC.)	
an Iowa corporation)	
Main Street & 5th Avenue	)	ORDER TO IMPOSE
Box 208	)	PENALTY
Melvin, Iowa 51350)	
RESPONDENT)	

A notice of intention to issue order and respondent's right to a hearing was issued on June 22, 1999. The Respondent's request for hearing was timely made and the hearing date was set for January 31, 2000. The Respondent subsequently withdrew its request for hearing on December 16, 1999. Therefore, the following order shall be entered.

YOU ARE HEREBY NOTIFIED that the Iowa Engineering and Land Surveying Examining Board (Board), pursuant to Iowa Code section 542B.27(1999), is imposing a civil penalty in the amount of \$7000. If the civil penalty is not paid within thirty days of entry of the order, the Board shall notify the Attorney General and the Attorney General may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs.

Issued and mailed by restricted, certified mail this 21st day of December, 1999.

Iowa Engineering and Land Surveying Examining Board



By: Glean Coates, Executive Officer
Iowa Engineering and Land Surveying Examining Board