

FILED 5/8/03 (Date)

IELSEB

Board/Commission

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

Signature, Executive Officer

IN THE MATTER OF:

RICHARD LEE KNUDSON, LS #15217
John Franklin Engineering
1801 Hill Avenue
Spirit Lake, IA 51360

CASE NO. 01-19

SETTLEMENT AGREEMENT AND
CONSENT ORDER

Respondent.

The Iowa Engineering and Land Surveying Examining Board (Board) and Richard Lee Knudson (Respondent) enter into this Settlement Agreement and Consent Order (Order), pursuant to Iowa Code section 17A.10 (2003) and 193 IAC 7.42:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 542B, and 272C (2003).

2. Respondent is a licensed land surveyor in Iowa.

3. The Board has charged Respondent with:

negligent failure to perform land surveying within a standard of care reasonably necessary to assure the residents of this state a high standard of professional care in violation of Iowa Code sections 272C.3(2)(b), 272C.4(6), 272C.10(3) and 542B.21(3), and 193C Iowa Admin. Code 8.2(1), 8.3, 9.3(2), (6) and 11.1, by not properly confirming the Ordinary High Water Mark (OHWM) and otherwise not following minimum land surveying standards in connection with a plat of survey certified on December 20, 2000, concerning the North line of Breezy Heights, in Lot 2, Sec. 26, T. 99N., R. 37W, Dickinson County, Iowa.

4. Respondent does not admit the allegations of the Statement of Charges, but he does agree to the entry of this Consent Order. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights by freely and voluntarily entering into this Agreement. The Consent Order is the final agency order in the contested case.

5. Respondent agrees the State's counsel may present this Agreement to the Board and may have ex parte communications with the Board while presenting it.

6. This Agreement shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations. In addition, the Board shall advise the National Council for Examiners of Engineering and Surveying of the disposition of this matter.

7. This Agreement and the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2003).

8. Failure to comply with the provisions of this Agreement shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2003). However, no action may be taken against Respondent for violations of these provisions without a hearing as provided in Iowa Code section 542B.22, or waiver of hearing.

9. This Agreement is subject to approval of the Board:

(a) If the Board fails to approve this Agreement, it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter.

(b) If the Board approves this Agreement, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

A. Reprimand

The Respondent is reprimanded for negligent failure to perform land surveying within a standard of care reasonably necessary to assure the residents of this state a high standard of professional care.

B. Probation and Education

Respondent's license to practice professional land surveying in Iowa shall be on probation until he provides proof that he has satisfactorily passed the 40-hour ethics and land surveying course created by New Mexico State University and the University of Maine. The course is offered in both correspondence and Internet formats.

C. Future Compliance

Respondent shall in the future adhere to all statutes and administrative rules in the practice of land surveying.

AGREED AND ACCEPTED:

The Respondent

[Redacted Signature]

Richard Lee Knudson

4-3-03
Date

**The Iowa Engineering and Land
Surveying Examining Board**

[Redacted Signature]

By: _____ Chair

5/8/03
Date

FILED 5/8/03 (Date)

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

IELSEB

Signature: Executive Officer

IN THE MATTER OF:

JOHN MADSEN, LS #8995
Madsen Land Surveying
318 East Blue Earth Avenue
Fairmont, MN 56031

CASE NO. 01-20

SETTLEMENT AGREEMENT AND
CONSENT ORDER

Respondent.

The Iowa Engineering and Land Surveying Examining Board (Board) and John Madsen (Respondent) enter into this Settlement Agreement and Consent Order (Order), pursuant to Iowa Code section 17A.10 (2003) and 193 IAC 7.42:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 542B, and 272C (2003).

2. Respondent is a licensed land surveyor in Iowa.

3. The Board has charged Respondent with:

(I) negligent failure to perform land surveying within a standard of care reasonably necessary to assure the residents of this state a high standard of professional care in violation of Iowa Code sections 272C.3(2)(b), 272C.4(6), 272C.10(3) and 542B.21(3), and 193C Iowa Admin. Code 8.2(1), 8.3, 9.3(2), (6) and 11.1, by not properly confirming the Ordinary High Water Mark (OHWM) and otherwise not following minimum land surveying standards in connection with an Affidavit of Correction Respondent executed on December 20, 2000, concerning the North line of Breezy Heights, in Lot 2, Sec. 26, T. 99N., R. 37W, Dickinson County, Iowa; and,

(II) a practice harmful and detrimental to the public by representing in an Affidavit of Correction purportedly prepared to correct an error under Iowa Code section 354.24, that he completed an independent survey when he failed to independently complete a survey or verify the OHWM, in violation of Iowa Code sections 272C.10(3), 542B.21(3) and 542B.21(3), and 193C Iowa Admin. Code 8.2(1), 8.2(3), and 9.3(3), (6).

4. Respondent does not admit the allegations of the Statement of Charges, but he does agree to the entry of this Consent Order. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights by freely and voluntarily entering into this Agreement. The Consent Order is the final agency order in the contested case.

5. Respondent agrees the State's counsel may present this Agreement to the Board and may have ex parte communications with the Board while presenting it.

6. This Agreement shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations. In addition, the Board shall advise the National Council for Examiners of Engineering and Surveying of the disposition of this matter.

7. This Agreement and the Statement of Charges are public records available for inspection

and copying in accordance with the requirements of Iowa Code chapter 22 (2003).

8. Failure to comply with the provisions of this Agreement shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2003). However, no action may be taken against Respondent for violations of these provisions without a hearing as provided in Iowa Code section 542B.22, or waiver of hearing.

9. This Agreement is subject to approval of the Board:

(a) If the Board fails to approve this Agreement, it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter.

(b) If the Board approves this Agreement, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

A. Reprimand

The Respondent is reprimanded for negligent failure to perform land surveying within a standard of care reasonably necessary to assure the residents of this state a high standard of professional care.

B. Probation and Education

Respondent's license to practice professional land surveying in Iowa shall be on probation until he provides proof that he has satisfactorily passed the 40-hour ethics and land surveying course created by New Mexico State University and the University of Maine. The course is offered in both correspondence and Internet formats.

C. Future Compliance

Respondent shall in the future adhere to all statutes and administrative rules in the practice of land surveying.

AGREED AND ACCEPTED:

The Respondent

[Redacted Signature]

John Madsen

3-26-03

Date

The Iowa Engineering and Land

[Redacted Signature]

By: [Redacted] Chair

5/8/03

Date

FILED 5/27/05 (Date)

IELSEB

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

Signature, Executive Officer

IN THE MATTER OF:)

RICHARD LEE KNUDSON, LS #15217)
P.O. Box 684)
Spirit Lake, IA 51360)

RESPONDENT)

) CASE NO. 01-19
) ORDER BY CONSENT
) IMPOSING DEADLINE
) for REMOVING
) PROBATIONARY STATUS
)

YOU ARE HEREBY NOTIFIED on this 27th day of May 2005, the Iowa Engineering and Land Surveying Examining Board (Board) is issuing the following order:

Whereas, on May 8, 2003, the Board approved Consent Order 01-19 and by that Consent Order, the Respondent's Iowa land surveyor license was placed on probationary status until such time that he provides proof that he has satisfactorily passed the 40-hour ethics and land surveying course created by New Mexico State University and the University of Maine; and

Whereas, it was never the Board's intention that the Respondent's license would remain on probationary status indefinitely; and

Whereas, on May 5, 2005, the Respondent appeared before the Board to explain the status of his compliance with Consent Order 01-19, and specifically his failure to complete the forty-hour Surveying Ethics course from New Mexico State University as ordered by the Board; and

Whereas, during that appearance by telephone, the Respondent agreed to provide a receipt to the Board verifying his current enrollment in the ethics course and agreed to completion of the ethics course by August 1, 2005;

IT IS, THEREFORE, ORDERED that the Respondent provide, by June 30, 2005, a receipt to the Board verifying that he is currently enrolled in the ethics course and by August 1, 2005, verification that he has completed and passed the ethics course.

Signed and dated this 27th day of May 2005.

Gleean M. Coates, Executive Officer
Iowa Engineering and Land Surveying Examining Board