

FILED 5/3/12 (Date)

I.E.L.S.E.B.

Signature, Executive Officer

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

<p>IN THE MATTER OF:</p> <p>Vincent Piagentini, LS</p> <p>LS# 15982</p> <p>Respondent.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NO. 10-30</p> <p>CONSENT ORDER</p>
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A. Statement of Charges

1. The Iowa Engineering and Land Surveying Examining Board ("Board") has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 542B (2011).

2. Respondent is a licensed professional land surveyor in Iowa. He was issued LS License No. 15982 in 2001. Respondent's license is in active status and is scheduled to expire on December 31, 2012.

3. The Board received a complaint in April 2010 alleging that Respondent failed to comply with all applicable land surveying standards in the preparing of a plat of survey.

4. The Board received additional information from Respondent and submitted the plat of survey to peer review. The peer reviewer concluded that the plat of survey at issue failed to comply with 193C IAC 11.5(3) (no rod size or color of cap), 11.5(6) (no bearings between existing monuments and monuments established during course of survey), and 11.3 (failure to locate monuments), as more fully described in the peer review report. All such rules are consistent with land surveying standards established in Iowa Code chapter 355. See, Iowa Code § 355.3.

5. The Board charges Respondent with failing to comply with applicable land surveying standards in violation of Iowa Code section 542B.21(2) and (3) (practice harmful to the public), and 193C IAC 8.2(1), 11.3, 11.5(3), and 11.5(6).

B. Settlement Agreement and Consent Order

6. Respondent denies the charges, but agrees to resolve a disputed matter by entering into this Consent Order. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order.

7. This Consent Order constitutes discipline against the Respondent, and is the final agency order in the contested case, pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.

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

9. This Order shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations.

10. This Combined Statement of Charges and Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2011).

11. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2011). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

12. This Order is subject to approval of the Board: (a) If the Board fails to approve this Order, 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 Order, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

A. Corrective Action. Within 90 days of the date this Consent Order is signed by all parties, Respondent shall make all corrections identified in the peer review report and submit a draft of his corrected plat to the peer reviewer. This action is purely educational. Respondent shall not record the corrected plat, but shall instead file an affidavit stating: "The purpose of this affidavit is to make null and void the Retracement (Boundary) Survey recorded in Book 12507, Page 138 in the Polk County Recorders Office. That any interested parties researching property line information around Lot 3, Algonquin Place, an Official Plat Des Moines, Polk County, Iowa, should review the 'Plat of Survey' 'Retracement Survey' recorded in Book 13486, Page 773 in the Polk County Recorders Office."

B. Civil Penalty. Respondent shall pay the sum of \$500 to the Board within 30 days of the date this Consent Order is signed by all parties.

Case No. 10-30


AGREED AND ACCEPTED:



Vincent Piagentini, LS, Respondent

Date 4/12/12

The Iowa Engineering and Land Surveying Examining Board



By: ~~Marlee Walton, PE, PLS, Chair~~

Christy Van Buskirk

Date 5/3/2012