



Signature, Executive Officer

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

IN THE MATTER OF:)	
)	CASE NO. 03-36
MICHAEL G. SEMKE, LS 10318)	
P.O. Box 623)	
608 North Court Street)	CONSENT ORDER
Carroll, IA 51401)	

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

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 542B, and 272C (2003).
2. Respondent was issued a license to practice professional land surveying in the state of Iowa on January 10, 1984. Respondent's license is currently in active status.
3. Respondent does not contest the Statement of Charges as filed with this Order.
4. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following contested case hearing.
5. 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.
6. This Order shall be part of the permanent record of the 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 Order 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 Order shall be considered prima facie evidence of a violation of Iowa Code section 542B.21(3) (2003) and 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 careless acts and omissions and practice harmful or detrimental to the public by failing to comply with minimum standards for land surveying and U.S. Public Land Survey Corner certificates when preparing plats of survey in Delaware and Carroll counties.

B. Remedial Action

1. By January 31, 2004, Respondent shall submit to the Peer Review Committee corrected plats of survey with associated corner certificates, as more fully described in the attached Peer Review Report, dated October 22, 2003.

2. These documents shall be in final form, although not signed, when submitted to the Peer Reviewer. The documents shall not be signed or recorded until the Peer Review Committee determines the corrections identified in the attached Report have been addressed in conformance with Iowa Code chapters 354 and 355 (2003).

3. Respondent shall provide the Peer Reviewer field notes, calculations, and such other documents as the Peer Reviewer may reasonably request.

4. The Peer Reviewer will not duplicate field work or determine the accuracy of Respondent's work product, but will review the documents for facial compliance with relevant surveying standards. Respondent shall be solely responsible for his work product and shall take such steps as are necessary to correct and finish field work, locate and set monuments, prepare corrected documents, and record the corrected

plats of survey, corner certificates and affidavits.

C. Future Compliance

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

Agreed:

Iowa Engineering and Land Surveying Examining Board

[Redacted Signature]

Date 1-8-04

By: Dennis Osipowicz, PE/LS, Chair

[Redacted Signature]

Date 12/23/3

Michael G. Semke, LS