

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

IN THE MATTER OF:	)	CASE NO. 95-09
BUD L. VOTE, LS 07718)	
2671 Shasta Avenue	)	SETTLEMENT
Sac City, Iowa 50583	)	AGREEMENT
)	
RESPONDENT)	

Pursuant to Iowa Code § 17A.10(1995) and I.A.C. Rule 193C-4.10 (542B), this Settlement Agreement is entered into between Bud L. Vote (Respondent) and the Iowa Engineering and Land Surveying Examining Board (Board). The parties agree as follows:

1. The Board has jurisdiction over this matter pursuant to Iowa Code Chapters 17A, 542B, and 272C.

2. On November 16, 1995, The Board found probable cause to file a Statement of Charges against the respondent based on omissions and errors in four recorded plats of survey for property located in Crawford County, Iowa, pursuant to Iowa Code sections 272C.10(2) and 542B.21(2), and 193C Iowa Administrative Code 4.8(2).

3. Respondent acknowledges the errors and admission and agrees to take the remedial actions directed by the Board to resolve Case 95-09.

IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:

1. Respondent has a right to a hearing on this matter but waives a right to a hearing and all attendant rights by freely entering into this Settlement Agreement.

2. Respondent is hereby reprimanded and agrees to verify compliance with the following within ~~thirty~~ (90) days of the date this Agreement is signed by Respondent and approved by the Board:

a. Respondent shall locate and, where necessary, place control monuments for plats of survey included in the Statement of Charges.

b. Respondent shall correct the plats of surveys listed in the Statement of Charges to comply with Iowa Code chapter 355 and 193C.2 Iowa Administrative Code and shall record the corrected plats.

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c. Respondent shall prepare and record the missing corner certificate for the plat of survey for Lot 1 in the NW quarter of the SE quarter of Section 13, Township 85 North, Range 38 West.

d. Copies of the corner certificate and the corrected plats shall be submitted to the Board upon completion.

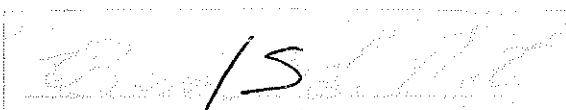
3. This Settlement Agreement shall be made part of the permanent record of the Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed for any further violations. In addition, the National Council of Examiners for Engineering and Land Surveying shall be advised of the disposition of this matter.

4. This Settlement Agreement and the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Chapter 22 of the Iowa Code.

5. Failure to comply with the provisions of this Settlement Agreement shall be considered prima facie evidence of a violation of Iowa Code §542B.21(3) and I.A.C. 193C-4.2(542B), and shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a)(1995). However, no action may be taken against any licensee for violations of these provisions without a hearing as provided for in Iowa Code §542B.22.

6. This Settlement Agreement is subject to the approval of the Board. 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. If approved by the Board, this agreement shall be deemed the agreed upon disposition of a contested case proceeding and will dispose of all matters contained in Case No. 95-09. In addition, Respondent consents to Counsel for the State presenting this Settlement Agreement to the Board and to Counsel's making ex parte communications to the Board while presenting it.

7. This Settlement Agreement is voluntarily submitted by the Respondent to the Board for consideration.


BUD L. VOTE


DWAYNE GARBER, CHAIR

JAN-2 1996
DATE

2/15/96
DATE

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

IN THE MATTER OF:)	
	)	CASE NO. 95 - 09
Bud L. Vote, LS #07718)	
2671 Shasta Avenue	)	STATEMENT OF
Sac City, IA 50583	)	CHARGES
RESPONDENT)	

COMES NOW, the Complainant, Patricia M. Peters, and states:

- 1) She is the Executive Secretary of the Engineering and Land Surveying Examining Board and files this complaint solely in her official capacity.
- 2) The Board has jurisdiction in this matter pursuant to Iowa Code Chapter 17A and 272C (1995).
- 3) On April 18, 1975, Bud L. Vote, the Respondent, was issued Iowa professional land surveying registration number 07718 by the Board.
- 4) Registration number 07718 is currently in good standing until December 31, 1996.

Count I

The Respondent is charged with professional incompetency in the practice of land surveying in violation of Iowa Code sections 272C.10(2) and 542B.21(2)(1993) and 193C Iowa Administrative Code 4.8(1) and (2), when he prepared, certified and recorded plats of survey that contained numerous errors and omissions and failed to comply with the minimum surveying standards set forth in Iowa Code sections 355.6(1), (2), and (3), 355.7(5) and (8), and 355.11 , in four surveys recorded between April 1993 and May 1995.

The Circumstances

1. In May 1995, the Board received a complaint alleging deficiencies and errors and omissions in plats of survey certified by the Respondent. In particular, the complaint alleged that the Respondent was recording surveys not tied properly to two section corners and that he was not preparing and recording United States public land survey corner certificates when required.
2. The Board referred the complaint to a peer review committee consisting of three registered professional land surveyors.
3. The peer review completed its work in July 1995 and submitted a report to the Board.

4. The committee reported that it reviewed four recorded survey plats prepared by the respondent for properties located in Crawford County, Iowa. None of the plats complied wholly with the standards in Iowa Code chapter 355. The committee report noted the following deficiencies:


- a. Lot 1 of the SE 1/4 SE 1/4 of Section 13, Township 85 North, Range 38 West
Date of Survey: March 1995 (Exhibit 1)
 - ◆ Location of control monuments not confirmed or placed at two corners in violation of Iowa Code section 355.6(2)(1995).
 - ◆ The committee also noted that distance and bearings were not shown to the second of the two United States public survey land corners to which the survey is tied.

- b. Part of the SE 1/4 of the NE 1/4 of Section 12 and part of the NE 1/4 of the NE 1/4 of Section 13, Township 83 North, Range 39 West
Date of Survey: April 27, 1993 (Exhibit 2)
 - ◆ Control monuments not confirmed or placed in violation of Iowa Code 355.6(2)(1993).
 - ◆ Control monument not confirmed or placed near the prescribed location of an impractical location in violation of Iowa Code section 355.6(3)(1993).
 - ◆ One line lacks information called for in the description in violation of Iowa Code section 355.7(8)(1993).

- c. Part of the SW 1/4 of the NE 1/4 of Section 7, Township 84 North, Range 38 West
Date of Survey: July 23, 1994 (Exhibit 3)
 - ◆ No indication that control monuments were found or placed on two of the corners in violation of Iowa Code section 355.6(1993).
 - ◆ No information that survey is tied to physically monumented land line identified by two United States public survey corners or two physically monumented corners of a recorded subdivision in violation of Iowa Code section 355.7(5)(1993).

- d. Lot 1 in NW 1/4 of the SE 1/4 of Section 13, Township 85 North, Range 38 West
Date of Survey: March 1995 (Exhibit 4)
 - ◆ No corner certificate for one of the corners in violation of Iowa Code section 355.11(1995).

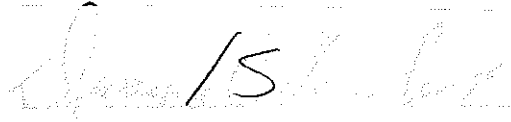
WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it deems appropriate under the law.



Patricia M. Peters, Executive Secretary
Iowa Engineering and Land Surveying
Examining Board
Complainant

FINDING OF PROBABLE CAUSE

On November 16, 1995, the Iowa Engineering and Land Surveying Examining Board found probable cause to file this Statement of Charges and to order a hearing be set in this case.



Chair
Iowa Engineering and Land Surveying
Examining Board

cc: Pamela Griebel

PROFESSIONAL LICENSING DIVISION

DEC 06 1995

RECEIVED

PROOF OF SERVICE

The undersigned certifies the foregoing instrument was served upon all parties to the above cause by depositing a copy thereof in the U.S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record herein at their respective addresses disclosed on the pleadings, on ~~September 28, 1995~~
December 6, 1995.

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

IN THE MATTER OF:)	
	)	CASE NO. 95 - 09
Bud L. Vote, LS #07718)	
2671 Shasta Avenue	)	SECOND STATEMENT
Sac City, IA 50583	)	OF
	)	CHARGES
RESPONDENT)	

COMES NOW, the Complainant, Patricia M. Peters, and states:

- 1) She is the Executive Secretary of the Engineering and Land Surveying Examining Board and files these charges solely in her official capacity.
- 2) The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 272C, and 542B (1995).
- 3) On April 18, 1975, the Board issued Bud L. Vote (Respondent) Iowa professional land surveying license number 07718.
- 4) Respondent's license is in good standing until December 31, 1996.
- 5) On December 6, 1995, the Board filed its initial Statement of Charges, a copy of which is attached. On February 15, 1996, the Board approved a Settlement Agreement resolving the charges, a copy of which is attached.
- 6) Pursuant to the terms of the Settlement Agreement, Respondent agreed to make corrections to four plats of survey recorded in Crawford County, Iowa.
- 7) On June 6, 1996, the Board received copies of the corrected surveys and on June 20, 1996, the Board referred the corrected surveys to the peer review committee which initially found deficiencies in the surveys.
- 8) On October 17, 1996, the Board received the peer review report finding the documents failed to properly correct the surveys and included numerous other errors and omissions.

COUNT I

Respondent is charged with professional incompetency in the practice of land surveying in violation of Iowa Code section 542B.21(2) (1995) and 193C IAC 4.8(1) and (2), when he prepared, certified and recorded corrected plats of survey that contained numerous errors and omissions and failed to comply with minimum surveying standards pursuant to Iowa Code chapter 355, including sections 355.6(1), (2), and (3), 355.7(5), (6), (7), and (9), and 355.11 (1995).

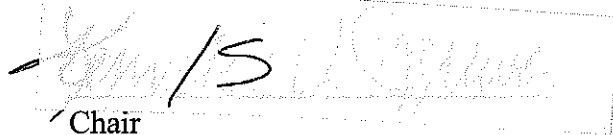
WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it deems appropriate under the law.



Patricia M. Peters, Executive Secretary
Iowa Engineering and Land Surveying
Examining Board
Complainant

FINDING OF PROBABLE CAUSE

On November 21, 1996, the Iowa Engineering and Land Surveying Examining Board found probable cause to file this Second Statement of Charges and to order a hearing be set in this case.



Chair
Iowa Engineering and Land Surveying
Examining Board

cc: Pamela Griebel