

FILED 7/12/18 (Date)

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Board / Commission

Robert E. Hampe
Signature, Executive Officer

BEFORE THE IOWA ENGINEERING AND LAND SURVEYING
EXAMINING BOARD

IN THE MATTER OF)	CASE NO. 17-02
)	
)	SETTLEMENT AGREEMENT
Clarence Carrell, PLS)	AND FINAL ORDER
License No. 07575)	
Respondent.)	

Pursuant to Iowa Code sections 17A.10, 272C.3(4), and Iowa Admin. Code r. 193—7.42 (2017), the Iowa Engineering and Land Surveying Examining Board and Clarence Carrell (“Respondent”) enter into the following Settlement Agreement and Final Order (“Order”) to settle a contested case currently pending before the Board.

The allegations contained in the Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent is a licensed professional land surveyor in Iowa. The Board issued Respondent his license as a professional land surveyor by comity on March 12, 1975. Respondent’s license is currently active and in good standing and will expire December 31, 2018.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. The Board filed a Notice of Hearing and Statement of Charges against the Respondent on March 5, 2018. A contested case hearing in this matter is scheduled for July 12, 2018.
4. Respondent acknowledges that the allegations contained in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.
5. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board’s actions, by freely and voluntarily entering into this Settlement Agreement. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
6. Respondent is freely and voluntarily entering into this Order.
7. Respondent acknowledges that he has the right to be represented by counsel on this matter.

8. Respondent agrees that 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 is subject to approval by a majority of the full Board. If the Board fails to approve this Order, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Order, it shall be the full and final resolution of this matter.
10. 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 disciplinary action to be imposed in the event of any future violations.
11. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.
12. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

A. License Surrender/Revocation

Respondent will surrender his Iowa professional land surveying license to the Board office, or shall submit an affidavit that he is unable to locate his certificate, within ten (10) days of the Board's approval of this Order with no opportunity to seek reinstatement in the future. Respondent shall mail his license or an affidavit to: Iowa Engineering and Land Surveying Examining Board, Iowa Professional Licensing Bureau, 200 E. Grand Ave, Ste. 350, Des Moines, IA 50309.

B. Remedial Orders

(1) Respondent shall have **sixty (60) days** from the date the Board approves the Order, to mail written notice to all clients for whom he performed land surveying services in the state of Iowa as identified in the November 29, 2017, peer review report, of which Respondent acknowledges he has been provided a copy. The written notice shall be sent to the property owner listed on each plat of survey and shall advise the property owner of the following:

- i. Respondent's Iowa land surveying license has been revoked, and
- ii. The survey done for the property by the Respondent may be noncompliant with Board rules and laws.

Copies of the written notices shall be submitted to the Board on or before the 60 day deadline.


(2) After the sixty (60) day deadline has ended, the Board will notify the remaining property owners which Respondent has not provided proof that he has sent notice to via subsection (B)(1) of this Order. Respondent shall be charged twenty-five dollars (\$25) for actual costs for each notice the Board sends. Respondent will be sent an invoice with the total amount due and Respondent shall submit payment thirty (30) days of the invoice. The amount shall be made payable to the Iowa Engineering and Land Surveying Examining Board and mailed to:

Iowa Engineering and Land Surveying Examining Board, Iowa Professional Licensing Bureau,
200 E. Grand Ave, Ste. 350, Des Moines, IA 50309.

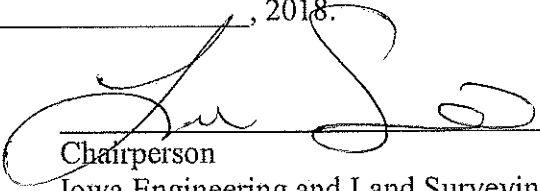
C. Further Discipline if Order Violated

Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa chapters 272C.3(2)(a) (2017). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 6th day of July, 2018.


Clarence Carrell
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Board on the 12 day of July, 2018.


Chairperson
Iowa Engineering and Land Surveying Examining
Board

Copy to:

Rebecca Barloon
Assistant Attorney General
Licensing & Administrative Law Division
Iowa Department of Justice
Hoover Building, 2nd Floor
Des Moines, IA 50319