IN THE IOWA DISTRICT COURT FOR BOONE COUNTY

STATE OF IOWA, ex rel., BRENNA BIRD, ATTORNEY GENERAL OF IOWA (99AG23112) Plaintiff, v. KELLER EXCAVATING, INC., Defendant.	CASE NO. EQCV043209 **CONSENT ORDER, JUDGMENT AND DECREE**

The Court is presented with the Plaintiff's Petition in Equity seeking civil penalties and injunctive relief pursuant to Iowa Code sections 480.6 and 480.7. The Court having read the Petition in Equity and being otherwise advised by the parties FINDS:

1. The Court has jurisdiction of the parties and the subject matter of this action and the parties' consent to entry of this Consent Order, Judgment and Decree.

2. Defendant Keller Excavating, Inc. ("Keller"), having reviewed the Petition in Equity, admits each and every allegation contained in the Petition in Equity.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

3. Defendant Keller is assessed a civil penalty of Five-Thousand and no/100 Dollars ($5,000.00) for the violations admitted herein. Defendant shall pay the penalty immediately upon entry of this Consent Decree. The Defendant shall also pay interest pursuant to Iowa Code section 535.3(1) on any amounts not paid when due. Payment of the civil penalty and any interest shall be made payable to the "State of Iowa" and sent to Plaintiff's attorney, Jacob Larson, Attorney General's Office, Environmental Law Division, Hoover Building 2nd Floor, 1305 E. Walnut St., Des Moines, Iowa 50319.

4. Defendant Keller and its employees are permanently enjoined from failing to exercise due care when conducting excavations in a marked area to avoid damage to marked underground facilities, as required by Iowa Code section 480.4(3)(a)(1).

5. The Court retains jurisdiction of this matter to ensure compliance with the terms of this Order.

6. The costs of this action are taxed to Defendant.

State of Iowa Courts

Case Number	**Case Title**
EQCV043209	STATE OF IOWA V. KELLER EXCAVATING
Type:	ORDER FOR CONSENT DECREE

So Ordered

John R. Flynn, District Court Judge
Second Judicial District of Iowa

Electronically signed on 2026-01-28 11:11:00