

IN THE IOWA DISTRICT COURT FOR LEE COUNTY
AT FORT MADISON

STATE OF IOWA, ex rel., THOMAS J.)
MILLER, ATTORNEY GENERAL OF)
IOWA (99AG23112),)

Plaintiff,)

vs.)

DELONG CONSTRUCTION, INC.,)

Defendant.)

LAW NO. _____

**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 DeLong Construction, Inc. ("DeLong Construction"), having reviewed the Petition in Equity, admits each and every allegation contained in paragraphs one (1) through thirty-one (31) of the Petition in Equity.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

3. Defendant DeLong Construction, is assessed a civil penalty of Seven Thousand and no/100 Dollars (\$7,000.00) for the violations admitted herein. The Defendant shall pay the civil penalty within ten (10) days of the entry of this Consent Order, Judgment and 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 forwarded to Assistant Attorney General Jacob Larson at the address below.

4. Defendant DeLong Construction, and its employees are permanently enjoined from commencing any non-emergency excavation in the State of Iowa, without first contacting the statewide notification center at its toll-free number (1-800-292-8989 or 811), at least 48 hours prior to the planned excavation, excluding weekends and legal holidays, as required by Iowa Code sections 480.1A and 480.4(1)(a), and providing the information required by Iowa Code sections 480.4(1)(b)(1)-(8) and 480.4(1)(c)(1)-(8), and the defendant is further enjoined from commencing any excavation except under the schedule and pursuant to the terms of each such notification.

5. Defendant DeLong Construction and its employees are permanently enjoined from commencing any excavation within twenty-five (25) feet of an underground natural gas transmission line without having a representative of the operator of the transmission line present as required by Iowa Code section 480.4(3)(a)(3).

6. The Court retains jurisdiction of this matter to insure compliance with the terms of this Order.

7. The costs of this action are taxed to the defendant in the amount of \$185.00.



State of Iowa Courts

Type: OTHER ORDER

Case Number **Case Title**
EQEQ006611 STATE OF IOWA V. DELONG CONSTRUCTION, INC.

So Ordered

A handwritten signature in blue ink, appearing to read "John M. Wright".

John M. Wright, District Court Judge,
Eighth Judicial District of Iowa