

IN THE IOWA DISTRICT COURT FOR DICKINSON COUNTY

STATE OF IOWA, ex rel., THOMAS J. )  
 MILLER, ATTORNEY GENERAL OF )  
 IOWA (99AG23112), )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 OUTDOOR HEAVEN, L.L.C., d/b/a )  
 DEMUTH LANDSCAPE & DESIGN, )  
 )  
 Defendant. )

LAW NO. EQCV029549

**CONSENT ORDER,  
JUDGMENT AND DECREE**

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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 Outdoor Heaven, L.L.C., d/b/a Demuth Landscape & Design (“Outdoor Heaven”), 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 Outdoor Heaven is assessed a civil penalty of Five Thousand and no/100 Dollars (\$5,000.00) for the violations admitted herein. Defendant shall pay Two Thousand-Five Hundred and no/100 Dollars (\$2,500.00) of the penalty immediately upon entry of this Consent Decree. The Defendant shall pay the remaining balance of Two Thousand-Five Hundred and no/100 Dollars (\$2,500.00) within three (3) months of 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 forwarded to Assistant Attorney General Jacob Larson at the address below.

4. Defendant Outdoor Heaven, 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. The Court retains jurisdiction of this matter to insure compliance with the terms of this Order.

6. The costs of this action are taxed to Defendant in the amount of \$185.00.



State of Iowa Courts

**Type:** OTHER ORDER

**Case Number** EQCV029549      **Case Title** STATE OF IOWA EX REL THOMAS J VS OUTDOOR HEAVEN L

So Ordered

A handwritten signature in black ink that reads "Carl J. Petersen". The signature is written in a cursive style with a horizontal line underneath it.

Carl J. Petersen, District Court Judge,  
Third Judicial District of Iowa