

IN THE IOWA DISTRICT COURT FOR FRANKLIN COUNTY

STATE OF IOWA, ex rel., THOMAS J. MILLER, ATTORNEY GENERAL OF IOWA (99AG23112),)	LAW NO. CVCV501227
)	
Plaintiff,)	
)	
vs.)	CONSENT ORDER,
)	JUDGMENT AND DECREE
ROY E. PLAGGE,)	
)	
Defendant.)	

The Court is presented with the plaintiff's Petition at Law seeking civil penalties and injunctive relief pursuant to Iowa Code sections 480.6 and 480.7. The Court having read the Petition at Law 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 Roy E. Plagge, having reviewed the Petition at Law, admits each and every allegation contained in paragraphs one (1) through twenty-nine (29) of the Petition at Law.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendant Roy E. Plagge is assessed a civil penalty of Five Thousand and no/100 Dollars (\$5,000.00) 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 unpaid balance. Payments of the civil penalty and interest shall be made payable to the State of Iowa and submitted to plaintiff=s attorney, David R. Sheridan.

2. Defendant Roy E. Plagge is permanently enjoined from commencing any excavation in the State of Iowa, except during an emergency pursuant to Iowa Code section 480.4(6), without first contacting the statewide notification center (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), providing the information required by Iowa Code sections 480.4(1)(b)(1)-(8) and 480.4(1)(c)(1)-(8), and marking the proposed area of excavation to the extent required by Iowa Code sections 480.4(1)(e)(1)-(3). The defendant is further enjoined from commencing any excavation except under the schedule and pursuant to the terms of each such notification. When the proposed area of excavation is within twenty-five (25) feet of an underground natural gas transmission line, the defendant is enjoined from performing the excavation unless a representative of the operator of the underground transmission line is present at the site of the planned excavation, except as otherwise provided in Iowa Code section 480.4(3)(a)(3).

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

4. The costs of this action are taxed to the defendant.



State of Iowa Courts

Type: ORDER FOR JUDGMENT

Case Number **Case Title**
CVCV501227 STATE V. ROY E. PLAGGE

So Ordered

A handwritten signature in black ink, appearing to read "James M. Drew", written over a horizontal line.

James M. Drew, District Court Judge,
Second Judicial District of Iowa