

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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

Plaintiff,)

vs.)

RAIN PRO, INC., an Iowa Corporation,)

Defendant.)

LAW NO. _____

STIPULATION

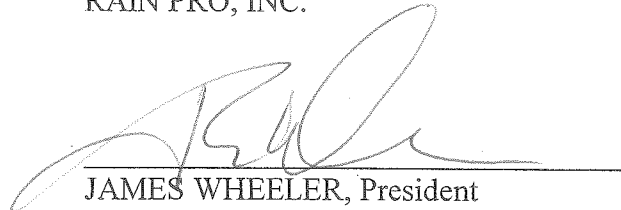
COME NOW the undersigned and hereby stipulate to and request entry by this Court of the attached Consent Order, Judgment and Decree.

THOMAS J. MILLER
Attorney General of Iowa



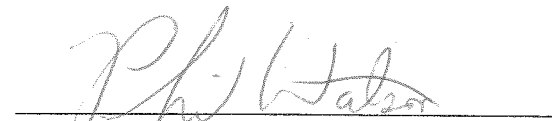
DAVID R. SHERIDAN, AT0007176
Assistant Attorney General
Environmental Law Division
Lucas Building, Ground Floor
321 E. 12th St., Room 018
Des Moines, IA 50319
Phone: (515) 281-5351
Fax: (515) 242-6072
E-mail: David.Sheridan@iowa.gov
ATTORNEY FOR PLAINTIFF

RAIN PRO, INC.



JAMES WHEELER, President

PHIL WATSON LAW FIRM



PHIL WATSON
535 E. Army Post Road
Des Moines, IA 50315-5930
Phone: (515) 287-7000
Fax: (515) 287-0875
ATTORNEY FOR DEFENDANT

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IOWA (99AG23112),)

Plaintiff,)

vs.)

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**CONSENT ORDER,
JUDGMENT AND DECREE**

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 Rain Pro, Inc. having reviewed the Petition at Law, admits, for purposes of settlement and for this action only, the violations alleged in paragraphs thirty-five (35) through thirty-eight (38) of the Petition at Law.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendant Rain Pro, Inc. is assessed a civil penalty of Ten Thousand and no/100 Dollars (\$10,000.00) for the violations admitted herein. The defendant shall pay Five Thousand and no/100 dollars (\$5,000.00) of the civil penalty within ten (10) days of the entry of this Consent Order, Judgment and Decree. The defendant shall pay the remaining Five Thousand and no/100 dollars (\$5,000.00) of the civil penalty no later than June 1, 2014. The defendant shall also pay interest pursuant to Iowa Code section 535.3(1) on any unpaid balances.

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, at the address noted below.

2. Defendant Rain Pro, Inc. 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), 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.

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.