

FILED 11/4/10 (Date)

I.E.S.L.E.B.

**BEFORE THE IOWA ENGINEERING AND LAND SURVEYING
EXAMINING BOARD**

IN THE MATTER OF:)

Tom Anthony, PLS)
PLS #08295)

RESPONDENT)

CASE NO. 09-20

COMBINED STATEMENT OF CHARGES
AND CONSENT ORDER

Signature, Executive/Officer

A. Statement of Charges

1. The Iowa Engineering and Land Surveying Examining Board ("Board") has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 542B (2009).

2. Respondent is a licensed professional land surveyor in Iowa. He was issued license number 08295 on April 14, 1977. Respondent's professional land surveying license is in active status and is scheduled to expire on December 31, 2010.

3. The Board received a complaint in August 2009 alleging that Respondent prepared a plat of survey over a decade ago indicating that monumentation had been set when, in fact, he failed to set the monuments until 2009.

4. The Board submitted the complaint to peer review. The peer reviewer concluded that Respondent violated Iowa Code chapter 355 (1995) by completing and submitted plats of survey to the client, noting the placement of monumentation when the monumentation had not been placed. In particular, the peer reviewer cited Iowa Code sections 355.1, 355.6(2)(a), 355.6(2)(b), 355.6(3), and 355.7(7) (1995).

5. Respondent is charged with unethical acts and failing to comply with minimum land surveying standards in a manner harmful and detrimental to the public in violation of Iowa Code sections 272C.3(2)(b), 272C.4(6), 272C.10(2), 272C.10(3), 355.1, 355.6(2)(a), 355.6(2)(b), 355.6(3), 355.7(7), and 542B.21(2) & (3).

6. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing.

B. Settlement Agreement and Consent Order

7. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order. This Consent Order constitutes discipline against the Respondent, and is the final agency order in the contested case, pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.

8. Respondent agrees the State's counsel may present this Order to the Board and may have ex parte communications with the Board while presenting it.

9. This Order shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations.

10. This Combined Statement of Charges and Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2009).

11. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2009). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

12. This Order is subject to approval of the Board: (a) If the Board fails to approve this Order, it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter. (b) If the Board approves this Order, it shall fully dispose of all issues in this case.


IT IS THEREFORE ORDERED:

A. Reprimand. Respondent is reprimanded for failure to adhere to the minimum land surveying standards in Iowa Code chapter 355 and, in particular, for indicating on a final plat of survey that monumentation had been placed when the monumentation had not, in fact, been placed.

B. Education. Respondent shall satisfactorily complete no later than April 30, 2010, a course on ethics. Respondent may select the online Intermediate Engineering Ethics course (combines Engineering Ethics I and II) provided by the Texas Tech University Murdough Center for Engineering Professionalism, or the online/correspondence ethics course, Ethic and Professionalism in Surveying available at New Mexico State University.

C. Future Compliance. Respondent shall in the future adhere to all statutes and administrative rules in the practice of land surveying.


AGREED AND ACCEPTED:



Tom Anthony, Respondent

Date December 16, 2009

The Iowa Engineering and Land Surveying Examining Board



By: ~~Craig R. Johnstone~~, PE, PLS, Chair

Date 14 Jan 2010