

IN THE IOWA DISTRICT COURT FOR AUDUBON COUNTY

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STATE OF IOWA, ex rel., THOMAS J. MILLER, ATTORNEY GENERAL OF IOWA (99AG23112), and IOWA DEPARTMENT OF NATURAL RESOURCES (99AG23542),

Plaintiffs,

vs.

LAWRENCE HANDLOS,

Defendant.

LAW NO. CVCV018851

CONSENT ORDER, JUDGMENT AND DECREE

NOW on this 15 day of August, 2005, the Court is presented with the Plaintiff's Petition at Law seeking civil penalties and injunctive relief pursuant to Iowa Code section 455B.191. The Court having read the petition and being otherwise advised by the parties FINDS:

- 1. The Court has jurisdiction of the parties and subject matter of this action and the parties consent to the entry of this Consent Order, Judgment and Decree.
2. The defendant admits each of the violations alleged in paragraphs 66, 67, 68 (with respect to July, 2002), 88, 89, 90, 92, 93 and 94 of the petition solely for purposes of resolving the above-captioned matter, and denies the remaining allegations. As to paragraph 68, defendant affirmatively states, and the plaintiff agrees, that the defendant was advised by a representative of the DNR that a construction permit was not required at the 4A King nursery site.
3. By admitting these violations solely for purposes of resolving the above-captioned matter, the defendant does not concede, nor does the defendant waive its right to contest that the violations are applicable to a habitual violator determination under Iowa Code section 459.604.