

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER**

IN THE MATTER OF: BRET CASSENS, d/b/a J&J Pit Stop UST NO: 198915521	ADMINISTRATIVE ORDER NO. 2010-UT-09 Amendment 1
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To: Mr. Bret Cassens
26182 262nd St.
Sigourney, IA 52591

I. SUMMARY

This administrative order (Order) amends and replaces Administrative Order 2010-UT-09 (Previous Order) issued to Mr. Bret Cassens and signed by the Director of the Iowa Department of Natural Resources (DNR) on May 20, 2010. The Director has determined that due to Mr. Cassens' claim of inability to pay the administrative penalty and over-due registration fees required by the Previous Order, the DNR will accept payment per the enclosed payment schedule to satisfy the outstanding obligation. Upon completion of the payment schedule and receipt of all payments in a timely manner, this matter will then be considered closed.

Any questions regarding this Order should be directed to:

David Scott, Attorney
Iowa Department of Natural Resources
Legal Services Bureau
Wallace State Office Building
502 E. 9th St.
Des Moines, IA 50319
Phone: 515-725-8239

Send payments to:

Director of the Iowa DNR
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319-0034
(Include Order Number on payment)

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II. JURISDICTION

This Order is issued pursuant to Iowa Code § 455B.476 which authorizes the Director of the DNR to issue orders directing a party to cease violation of Iowa Code chapter 455B, Division IV, Part 8 (underground storage tanks) and the rules and regulations adopted pursuant to that part and to require the party to take corrective action as necessary to ensure violations will not continue; and, Iowa Code § 455B.109 and 567 Iowa Administrative Code (IAC) 10, which authorize the Director to assess administrative penalties.

III. STATEMENT OF FACTS

All statements of facts enumerated in the Previous Order are incorporated herein by reference. In addition:

11. Mr. Cassens timely responded to follow-up correspondence from the DNR dated March 9, 2016 seeking payment pursuant to the Previous Order. He stated that the business was foreclosed upon, and stated that he was unable to pay the penalty and fees enumerated in the Previous Order.

12. Mr. Cassens offered a payment plan and the DNR has agreed to the terms of that plan as memorialized in this Order.

IV. CONCLUSIONS OF LAW

All conclusions of law enumerated in the Previous Order are incorporated herein by reference.

V. ORDER

All outstanding requirements of the Previous Order are rescinded and replaced by the following:

1. Effective the first day of the month after this Order is signed by the Director, and on the first day of the month for the subsequent 11 months thereafter, Mr. Cassens shall pay to the DNR \$100.00 for a total administrative penalty of \$1,200.00. Each payment shall include reference to this Order number. Upon receipt of the 12th installment payment, this matter shall be considered closed.

VI. CIVIL PENALTY

For the reasons explained above, the civil penalty included in the Previous Order has been rescinded and replaced with the penalty enumerated in Section V.

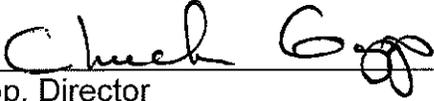
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VII. APPEAL RIGHTS

A written Notice of Appeal may be filed with the Director within 30 days of your receipt of this Order. A contested case hearing will then be commenced pursuant to Iowa Code § 17A and 561 IAC 7. Please note that failure to file a timely appeal within 30 days will result in you forfeiting the right to appeal this Order.

VIII. NONCOMPLIANCE WITH THIS ORDER

Failure to meet the terms of this Order will result in referral of this matter to the Iowa Department of Revenue for collection.



Chuck Gipp, Director
Iowa Department of Natural Resources

Dated this 22nd day of
March, 2016.

CC: Elaine Douskey

