

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE
JOHN O. PASTORE CENTER
CRANSTON, RI 02920**

IN THE MATTER OF	:	
	:	
HOLDEN ENGINEERING & SURVEYING, INC.	:	DBR No. 11-DP-LS-0
	:	
RESPONDENT	:	
	:	

CONSENT AGREEMENT

This consent agreement is by and between the Board of Professional Land Surveyors Division within the Department of Business Regulation (“Department”) and the Respondent.

1. The Department investigated alleged violations against Respondent pursuant to R. I. Gen. Laws §5-8-1 et seq.
2. Based on the investigation, the Department alleged that Respondent engaged in the practice of land surveying in Rhode Island without the requisite registration or certificate of authorization involving the following nine (9) projects (“projects”):

- Project #0820186, Nov. 10, 2008-ALTA Survey, Warwick, RI
- Project #0820187, Nov. 10, 2008—ALTA Survey, Providence, RI
- Project # 0920017, Jan. 30, 2009-ALTA Survey, Warwick, RI
- Project # 0920216, July 31, 2009-ALTA Survey, Pawtucket, RI
- Project # 0920221, July 27, 2009-ALTA Survey, Middletown, RI
- Project # 0920309, October 30, 2009-ALTA Survey, West Warwick, RI
- Project # 1020094, February 10, 2010-Cell Tower Survey, Cranston, RI
- Project # 1020123, April 5, 2010-ALTA Survey, East Providence, RI/Seekonk, MA
- Project # 1020123, April 5, 2010-ALTA Survey, North Kingstown, RI

3. The Department believes that Respondent's activity caused the firm to be in violation of R.I. Gen. Laws §§5-8.1-13(1) and 5-8.1-14 and related regulations for each of the above listed projects. In order to resolve this matter without the necessity of protracted litigation, the parties agreed to enter into this consent agreement (referred to throughout this document as "consent or consent agreement").
4. Without admitting to or denying the Department's allegations above, and without a finding for or against the Respondent, the Respondent agrees to pay a total administrative penalty in the amount of five thousand dollars (\$5,000). Upon the execution of this document, the Respondent shall pay fifteen hundred dollars (\$1,500). Thereafter, respondent shall remit the following payments:
 - a. One thousand dollars (\$1,000) thirty days after the execution of this agreement; and
 - b. One thousand dollars (\$1,000) thirty days after the payment referenced in Section 4(a); and
 - c. Fifteen hundred dollars (\$1,500) thirty days after the payment referenced in Section 4(b)

Checks or money orders in the aforementioned amounts shall be made payable to the Office of the General Treasurer, and forwarded to the Department.

5. Respondent shall take the agreed-upon actions for all projects to ensure that the plans and surveys conform to the Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence

Plantations adopted by the Rhode Island Board of Registration for Professional Land Surveyors, effective April 1, 1994.

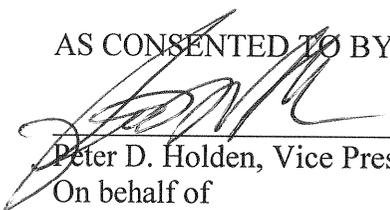
6. Respondent acknowledges and understands that all plans need to have the name, physical address, and other necessary information of the Rhode Island Surveyor (or firm) in responsible charge of conducting the survey. Respondent further understands and agrees that when these plans are prepared on a Respondent's title sheet, not the title sheet of the Rhode Island surveyor, the Certificate of Authorization number of the Rhode Island surveyor needs to be on the plan.
7. Except as further addressed, for all projects, plans that have been completed and previously issued shall be reissued to Respondent's clients along with a letter explaining the reason for the reissuance. The plans for Project #1020123, April 5, 2010-ALTA Survey, East Providence, RI/Seekonk, MA shall be re-issued to MKA and their client along with a letter explaining the reason for the reissuance.
8. Respondent shall not charge any fees or costs whatsoever to its clients for the remedial measures required by this Consent.
9. Actions required in paragraphs 5, 6 and 7 of this consent shall be completed within six (6) months from the last execution date of this consent. The Respondent shall make a good faith effort to comply with Paragraphs 5, 6 and 7 hereof in the time-frame set forth herein. In the event that the Respondent is not able to comply with any of the requirements as they relate to any of the specific projects due to lack of cooperation by third parties, the Respondent will submit a written report to the Department detailing its efforts to comply. Upon receipt of the report, the Department may either: (1) deem the Respondent's obligations

satisfied; or (2) consult with the Respondent to develop a plan to secure the compliance of the third party or parties.

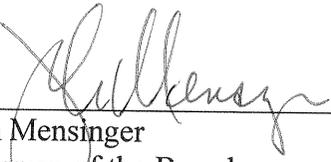
10. Respondent's pending application for a Rhode Island certificate of authority shall be processed upon Department's receipt of the first payment required upon execution of the consent as required in paragraph 4.
11. If Respondent fails to abide by the requirements of this Consent Agreement, the Department may initiate administrative proceedings after providing Respondent's with notice and opportunity for hearing.
12. The parties agree that this Consent Agreement and its terms represent the final settlement of this matter. By agreeing to resolve this matter through this Consent Agreement, Respondent voluntarily waives its right to the hearing process, and voluntarily waives its rights to pursue an appeal to the Rhode Island Superior Court, except to the extent that administrative proceedings are commenced in by the Department in accordance with Paragraph 11 if the Department believes that the Respondent has not complied with the terms of this Consent Agreement.
13. The Department and Respondent hereby agree to the foregoing as to form and substance.

IN WITNESS WHEREOF, this Consent Agreement has been executed in duplicate by the parties.

AS CONSENTED TO BY:


Peter D. Holden, Vice President
On behalf of
Holden Engineering & Surveying, Inc.

05-14-2012
Date



John Mensinger
Chairman of the Board

5.21.12
Date

CERTIFICATION

I hereby certify that on the 11th day of June, 2012, a copy of the within Consent Agreement was delivered first class mail and e-mail to:

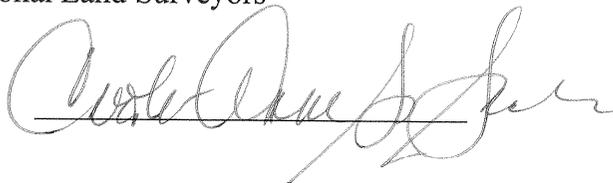
The Respondent:

Peter D. Holden, Vice President
Holden Engineering & Surveying, Inc.
P.O. Box 480
Concord, NH 03301-0480

with a copy to:

Mark S. Derby, Esq.
Cleveland, Water and Bass, P.A.
Two Capital Plaza, P.O. Box 1137
Concord, NH 03302-1137
derbym@cwbp.com

and delivered via e-mail for the Department to: John Mensinger, Chairman and Christina Styron, Licensing Aide, Board of Professional Land Surveyors

A handwritten signature in cursive script, appearing to read "Peter D. Holden", is written over a horizontal line.