STATE OF MINNESOTA
BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING, LANDSCAPE ARCHITECTURE, GEOSCIENCE
AND INTERIOR DESIGN

In the matter of Dennis Stanley Nelson
PROFESSIONAL ENGINEER
License Number 19047

STIPULATION AND ORDER

Board File No. 2011-0014

TO: Dennis Stanley Nelson
202 Seaver Street
Eau Claire, Wisconsin 54701

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2010) and Minnesota Statutes section 326.111 (2010) to review complaints against architects, professional engineers, land surveyors, landscape architects, geoscientists, and certified interior designers, and to take disciplinary action whenever appropriate.

The Board received information concerning Dennis Stanley Nelson ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that the matter may now be resolved by this Stipulation and Order.

STIPULATION

IT IS HEREBY AGREED by and between Respondent and the Committee as follows:

1. Jurisdiction. The Respondent was first issued a Professional Engineer

license by the Board on April 21, 1988. Respondent is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation.

2. Facts. This Stipulation is based upon the following facts:

a. Respondent was first licensed as a Professional Engineer in the State of Minnesota on April 21, 1988.

b. On July 16, 2010, Respondent signed the Application for License/Certificate Renewal: 7/1/2010 to 6/30/2012. Respondent's license to practice professional engineering in the State of Minnesota was renewed on July 19, 2010. A true and correct copy of the Application for License/Certificate Renewal: 7/1/2010 to 6/30/2012 is attached as Exhibit A.

c. In the same Application for License/Certificate Renewal: 7/1/2010 to 6/30/2012, Exhibit A, Respondent replied to the question asked: "Since your last renewal, have you had a license disciplined, denied, surrendered, suspended or revoked?" by checking the 'Yes' box. Respondent provided a copy of a Decision and Order issued by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects on May 25, 2010. Respondent was to report all disciplinary actions taken against him since July 1, 2008 and June 30, 2010 on the Application for License/Certificate Renewal: 7/1/2010 to 6/30/2012.

d. Respondent falsified or misrepresented information on the renewal application that he affirmed on July 16, 2010 by failing to report that he had been disciplined by the State of Missouri, Settlement Agreement issued on June 15,

2009.

e. Respondent falsified or misrepresented information on the renewal application that he affirmed on July 16, 2010 by failing to report that he had been disciplined by the State of Wisconsin, Order Suspending a License issued on September 11, 2009.

f. Respondent falsified or misrepresented information on the renewal application that he affirmed on July 16, 2010 by failing to report that he had been disciplined by the State of North Carolina, Decision and Order, Case No. V2008-050 issued on November 13, 2009.

g. Respondent's Minnesota Professional Engineering license is current with an expiration date of June 30, 2012.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.111, subdivision 4 (a) (1) and (5) (2010), and Minnesota Rules 1805.0200, subparts 2 and 4 (c) (2009), and are sufficient grounds for the action specified below. Specifically, Respondent falsified or misrepresented information on the renewal application that he affirmed on July 16, 2010, by failing to report three disciplinary actions against him by other states.

4. Enforcement Action. Respondent and the Committee agree that the Board should issue an Order in accordance with the following terms:

a. Reprimand. Respondent is reprimanded for the foregoing conduct.

b. Civil Penalty. Respondent shall pay to the Board a civil penalty of One Thousand Five Hundred Dollars ($1,500.00). Respondent shall submit a civil

penalty of One Thousand Five Hundred Dollars ($1,500.00) by cashier's check or money order to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.

c. Ethics Course. Within six months (6) of the Board's approval of this Stipulation and Order, Respondent shall successfully complete, and submit acceptable documentation thereof to the Board, two (2) hours of a course(s) in professional ethics, which is/are approved in advance by the Complaint Committee. Completion of any courses for the two (2) hours of professional ethics instruction earned within six months (6) of the Board approval of this Stipulation and Order, that are being submitted for the purpose of fulfilling the professional ethics instruction required by this Order shall not count toward any continuing education requirements in the 2012-2014 renewal period or beyond.

5. Additional Discipline for Violations of Order. If Respondent violates this Stipulation and Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least thirty days prior to the hearing, the Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Within fourteen days after the notice is mailed, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. At the hearing before the Board, the Complaint Committee and

Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The Complaint Committee may submit affidavits responding to any affidavits submitted by Respondent. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice or suspension or revocation of Respondent's license.

6. Waiver of Respondent's Rights. For the purpose of this Stipulation, Respondent waives all procedures and proceedings before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the allegations against Respondent, to dispute the appropriateness of discipline in a contested case proceeding pursuant to Minnesota Statutes Chapter 14 (2010), and to dispute the civil penalty imposed by this Agreement. Respondent agrees that upon the application of the Committee without notice to or an appearance by Respondent, the Board may issue an Order containing the enforcement action specified in paragraph 4 herein. Respondent waives the right to any judicial review of the Order by appeal, writ of certiorari, or otherwise.

7. Collection. In accordance with Minnesota Statutes section 16D.17 (2010), in

the event this order becomes final and Respondent does not comply with the condition in paragraph 4(b) above, Respondent agrees that the Board may file and enforce the unpaid portion of the civil penalty as a judgment without further notice or additional proceedings.

8. Board Rejection of Stipulation and Order. In the event the Board in its discretion does not approve this Stipulation and Order or a lesser remedy than specified herein, this Stipulation and Order shall be null and void and shall not be used for any purpose by either party hereto. If this Stipulation is not approved and a contested case proceeding is initiated pursuant to Minnesota Statutes Chapter 14 (2010), Respondent agrees not to object to the Board's initiation of the proceedings and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this Stipulation and the record.

9. Unrelated Violations. This settlement shall not in any way or manner limit or affect the authority of the Board to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent justifying disciplinary action which occurred before or after the date of this Stipulation and Order and which is not directly related to the specific facts and circumstances set forth herein.

10. Record. The Stipulation, related investigative reports and other documents shall constitute the entire record of the proceedings herein upon which the Order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this Stipulation.

11. Data Classification. Under the Minnesota Government Data Practices Act, this Stipulation and Order is classified as public data upon its issuance by the Board, Minnesota Statutes section 13.41, subdivision 5 (2010). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 (2010). They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. A summary of this Order will appear in the Board's newsletter. A summary will also be sent to the national discipline data bank pertaining to the practice of engineering.

12. Entire Agreement. Respondent has read, understood, and agreed to this Stipulation and is freely and voluntarily signing it. The Stipulation contains the entire agreement between the parties hereto relating to the allegations referenced herein. Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

13. Counsel. Respondent is aware that he may choose to be represented by legal counsel in this matter. Respondent knowingly waived legal representation.

14. Service. If approved by the Board, a copy of this Stipulation and Order shall be served personally or by first class mail on Respondent. The Order shall be effective and deemed issued when it is signed by the Chair of the Board.

OCT 24 2011

RESPONDENT

Dennis Stanley Nelson

Dated: October 24, 2011

COMPLAINT COMMITTEE

By: _____
Lisa Hanni, LS
Committee Chair

Dated: 11/16, 2011

ORDER

Upon consideration of the foregoing Stipulation and based upon all the files, records and proceedings herein, all terms of the Stipulation are approved and hereby issued as an Order of this Board on this the 2 day of December, 2011.

MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, LANDSCAPE ARCHITECTURE, GEOSCIENCE AND INTERIOR DESIGN

By: _____
~~William D. Arockisamy, PE~~ Lisa M. Hanni 12/2/2011
Board Chair

Received Time Oct. 24. 2011 2:15PM No. 0934

Print Form

Minnesota Board of Architecture, Engineering, Land Surveying,
Landscape Architecture, Geoscience and Interior Design
85 E. 7th Place, Suite 160, St. Paul, MN 55101
www.aelslagid.state.mn.us

JUL 19 2010

Application for License/Certificate Renewal: 7/1/2010 – 6/30/2012

ALL licenses and certificates expire on 6/30/2010 unless renewed. There is NO GRACE PERIOD!

The licensee or certificate holder is responsible for completing ALL sections of this form. If any information is missing or the form is not signed, the application will be considered incomplete and will be returned. **The licensee or certificate holder is responsible for any late fees incurred after 6/30/2010 if an application is returned.**

Personal Information:

Name: Dennis Stanley Nelson

Profession: Engineer

License/Certificate #: 19047

Contact Phone #: (715) 836-9794

Public/Mailing Address:

Company Name: NEL-STRUCT, LLC
(If mailing address is business)

Address Line 1: 202 SEAVER ST.

Address Line 2:

City, State, Zip: EAU CLAIRE, WI 54701

Country: USA

Continuing Education:

Requirement: 24 Professional Development Hours earned on or after July 1, 2008, unless you are exempt. Continuing education requirements can be found at www.aelslagid.state.mn.us/conted.html.

☐ I am exempt from reporting continuing education for this renewal (select reason below):
- ☐ My MN license/certificate was issued on or after July 1, 2008. (Automatic exemption)
- ☐ I requested an exemption from the Board and it was granted. (Attach Board approval)

* Exemption requests must be pre-approved. Renewal will not be processed prior to approval.
* Continuing education cannot be carried over from an exempt period.

☒ I am not exempt from the continuing education requirement.

Do not call the Board office to request your carry-over hours!

Total PDH earned 7/1/2008 – 6/30/2010: 33 (Whole numbers only)
Carryover from previous renewal: 12
Total PDH submitted: 45

Fees and Affidavit - Make checks payable to: MN Board of AELSLAGID (*US Funds Only*)

If postmarked on/before 6/30/10: **$132***
If postmarked on/after 7/1/10: **$162***
If postmarked on/after 10/1/10: **$192***

*This licensure fee notice contains an electronic licensing surcharge. The Minnesota Office of Enterprise Technology (OET) recently sponsored and the Minnesota Legislature passed legislation requiring a 10% surcharge of no less than $5 and no more than $150 on each business, commercial, professional or occupational license. The funding from this surcharge will go to OET, which will establish an electronic licensing system for the state. The surcharge will be in place through June 30, 2015. See Laws of Minnesota 2009, Chapter 101, Article 2, Section 59.

Your cancelled check is your receipt. You will receive a new license card in the mail within approximately 2-4 weeks.

Since your last renewal, have you had a license disciplined, denied, surrendered, suspended or revoked?
(If yes, provide a statement of explanation.) ☒ Yes ☐ No

I swear or affirm that I have read the foregoing renewal application and that the statements are true and complete.

Signature: [signature] Date: 7-16-10

EXHIBIT A

The data you furnish on this form will be used by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design to assess your qualifications for renewal of your license and/or certificate. You are not legally required to provide this data; however if you fail to do so, the Board may be unable to renew your license. Information contained on this application is public pursuant to Minnesota Statutes §13.41, Subd. 4.

PROFESSIONAL MEMBER

NEL-STRUCT

NELSON STRUCTURAL ENGINEERING

2620 STEIN BOULEVARD
EAU CLAIRE, WI 54701
Phone (715) 836-9794
Fax (715) 836-9344

QUALITY ENGINEERING
Since 1996
NEL-STRUCT

July 16, 2010

To: MN Board

From: Dennis S. Nelson

Re: MO Board Suspension

The request for continuing education hours per audit came at a time when my office was in a transition of locations. It was not a purposeful breach but due to a variety of factors. The current economy had required me to lay off my secretary of 8 ½ years and relocate my office of the same longevity. From Sept. 2009 to Feb. 2010 was just a blur of activity. I'm sure some mail has been lost and some mislocated in this transition period.

I'm not trying to make excuses but letting you know the truth of what I have gone through. My desire is to serve the people of Minnesota in just the same safe and efficient manner as I have in the past 20+ years.

My regards,

Dennis S. Nelson, P.E.

DECISION AND ORDER

THEREFORE, having carefully and fully considered all the evidence presented at the hearing before the Board, and giving full weight to the evidence before it, including the settlement agreement that Nelson violated, imposes the additional discipline as set forth herein.

It is hereby the ORDER of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects that respondent's license shall be suspended for ninety days, and then placed on probation until January 29, 2013, subject to the terms set forth below.

Respondent shall immediately return his license, wall-hanging certificate and embossing seal and/or professional engineer stamp to the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. During his suspension, respondent shall not practice professional engineering in the state of Missouri. However, during the suspension, respondent shall pay all required fees for licensure and keep the Board informed in writing of his current addresses and telephone numbers, both personal and professional.

Following completion of the suspension, Nelson's license to practice professional engineering, E-22489, shall be placed on PROBATION until January 29, 2013. During the probationary period, Nelson shall be entitled to engage in the practice of professional engineering, provided that he adheres to all the following terms and conditions:

A. During the probationary period, Nelson shall timely renew his license, timely pay all fees required for licensure, and comply with all other Board requirements necessary to maintain his license in a current and active state.

B. During the probationary period, Nelson shall keep the Board apprised at all times in writing of his current addresses and telephone numbers, both personal

and professional. Nelson shall notify the Board in writing within ten days of any change in this information.

C. During the probationary period, Nelson shall comply with all provisions of Chapter 327, RSMo (as amended), all rules and regulations of the Board and all federal and state laws, rules and regulations. "State" here includes the State of Missouri and all other states and territories of the United States.

D. During the probationary period, Nelson shall appear before the Board or one of its representatives for a personal interview upon the Board's request.

E. During the probationary period, Nelson shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this Order.

F. Nelson shall submit written reports to the Board no later than January 1, April1, July 1, and October 1 of each year of the probationary period, stating truthfully whether there has been compliance with all the conditions of this Order. It is Nelson's responsibility to ensure that the reports are submitted by the dates set forth above.

G. Nelson shall submit to the Board no later than January 1, April 1, July 1, and October 1 of each year of the probationary period, a list of all engineering projects that he has worked on during the preceding three month term. Each project shall be identified by date, client, and a brief description of the project and Nelson's involvement or input. Nelson shall submit copies of any sealed documents and any other relevant information to the Board upon request. Nelson shall submit all notes, calculations, time records, and any other

documentation used in performing the project to the Board upon request. If no work is completed during the reporting period, Nelson must so advise the Board in writing in the same time-frame and manner as set forth above in this paragraph. It is Nelson's responsibility to ensure that the lists are submitted by the dates set forth above.

In the event the Board determines that Nelson has violated any term or condition of this Order, the Board is entitled to hold an evidentiary hearing, in accordance with the provisions of Chapter 536, RSMo. After the evidentiary hearing, the Board, in its discretion, may vacate and set aside the discipline imposed and may suspend, revoke, or otherwise lawfully discipline Nelson.

If at any time during the probationary period Nelson ceases to provide engineering services in the State of Missouri for longer than three months at a time, ceases to be currently licensed under the provisions of Chapter 327, RSMo, or fails to keep the Board advised of his current place of business and residence, the time of his inactivity, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.

If the Board determines that Nelson has violated a term or condition of this order, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in a determination of appropriate legal actions concerning such violation.

Upon the expiration and successful completion of the disciplinary period, Nelson's license to practice professional engineering shall be fully restored if all other requirements of law

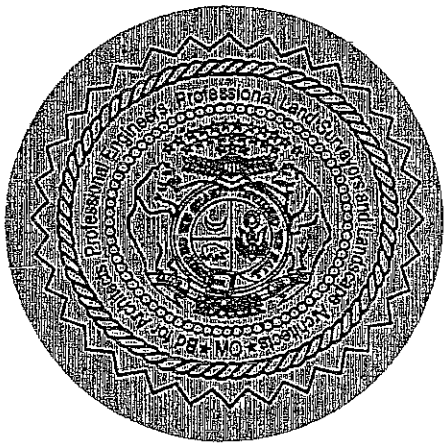
have been satisfied; provided, however, that in the event the Board determines that Nelson has violated any term or condition of this Order, the Board may, in its discretion, after an evidentiary hearing held by the Board, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline Nelson.

This Order replaces the Settlement Agreement of June 9, 2009, referenced in paragraph 6 above.

This Decision and Order shall be maintained as an open and public record of the Board, as provided in Chapters 327, 610 and 324 of the Missouri Revised Statutes.

The Board further orders the Executive Director of the Board to direct a copy of this FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DISCIPLINARY ORDER to Respondent. This Order is effective immediately.

SO ORDERED this 25th day of May 2010.



MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS

By Judy Kempker

Judy Kempker, Executive Director

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Dennis Stanley Nelson,
PROFESSIONAL ENGINEER
License Number 19047

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Lynette DuFresne, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on this the 5th day of December, 2011, she served the attached **Stipulation and Order**, by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first class and certified postage prepaid, and addressed to:

Dennis Stanley Nelson
202 Seaver Street
Eau Claire, Wisconsin 54701

CERTIFIED MAIL
Return Receipt Requested
7010 0780 0001 5886 3071

Lynette DuFresne

Subscribed and sworn to before me on
this the 5th day of December, 2011.

(Notary Public)

BEVERLY A. CAREY
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31 2015