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

In the Matter of
Stephen R. Hoover, Unlicensed

SETTLEMENT AGREEMENT
AND
CEASE AND DESIST ORDER

Board File No. 2004-0007

TO: Mr. Stephen R. Hoover
2141 West 116th Place
Chicago, IL 60643

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes §§ 214.10 and 326.111 (2002) to review complaints concerning the unauthorized practice of architecture, professional engineering, land surveying, landscape architecture, geoscience and interior design, and to take action pursuant to those statutes whenever appropriate.

The Board received a complaint concerning Mr. Stephen R. Hoover ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that the matter may now be resolved by this Settlement Agreement and Cease and Desist Order.

SETTLEMENT AGREEMENT

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

1. Jurisdiction. Pursuant to Minn. Stat. § 326.111, subd. 3 (2002), the Board

is authorized to issue an order requiring an unlicensed person to cease and desist from holding themselves out to the public as a professional engineer in the State of Minnesota. Respondent is subject to the jurisdiction of the Board with respect to the matters referred to in this Settlement Agreement.

2. Facts. This Settlement Agreement is based upon the following facts:

a. Respondent is not currently and never has been licensed by the Board as a professional engineer in the State of Minnesota.

~~b. Respondent prepared a report titled Study of Ceiling and In-Rack~~
Sprinkler Systems in the General Merchandise Areas of the Original Building and the 2000 Addition, dated June 2003, for a structure located at 2400 County Road J, Mounds View, MN 55112. A true and correct copy of the report is on file at the Board office.

c. The cover page of the report referred to in paragraph 2(b) contains the designation "PE " separated from Respondent's name by a comma. A true and correct copy of the cover page is attached as Exhibit A.

d. In a letter to the Board, dated August 26, 2003, Respondent states, "When writing the cover page I did inadvertently use the PE designation without any further qualification." A true and correct copy of August 26, 2003 letter is attached as Exhibit B.

e. Respondent replaced the cover page of the report referred to in paragraph 2(b) with a cover page containing the designation "PE" separated from Respondent's name by a comma and additional information pertaining to Respondent's licensure as a fire protection engineer by the State of California. A true and correct copy of the replacement cover page is attached as Exhibit C.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes § 326.02 subd. 1 (2002) and are sufficient grounds for the action specified below.

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

a. Cease and Desist Order. Respondent shall cease and desist from holding himself out to the public as a professional engineer in Minnesota, and from ~~further violations of Minnesota Statutes §§ 326.02 to 326.15 (2002) until such time as~~ he becomes licensed as a professional engineer in the State of Minnesota.

b. Corrective Action. The Board acknowledges that Respondent has voluntarily taken the corrective action set forth in paragraph 2(e) above.

c. Civil Penalty. Respondent shall pay a civil penalty of five hundred dollars (\$500.00) to the Board, of which two-hundred fifty dollars (\$250.00) will be stayed on the condition that Respondent does not violate any Board Statutes or Rules for two (2) years beginning on the date that the Board Chair signs the attached Order. Respondent shall submit a cashier's check or money order for two-hundred fifty dollars (\$250.00) to the Board within sixty (60) days of the date of the Board Order approving this Settlement Agreement and Cease and Desist Order.

5. Judicial Relief. If the Respondent violates paragraph 4 above, a district court of this state may, upon application of the Committee, enter an order enjoining Respondent from such unauthorized practices, ordering Respondent to show cause why the required civil penalty has not been paid, and granting the Board its costs, reasonable attorney fees, and other appropriate relief.

6. Waiver of Respondent's Rights. For the purpose of this Settlement Agreement, 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 and to dispute the appropriateness of discipline in a contested case proceeding pursuant to Minn. Stat. ch 14. Respondent agrees that upon the application of the Committee without notice to or an appearance by Respondent, the Board may issue an Order requiring the action specified in paragraph 4 herein. Respondent waives the right to any judicial review of this Settlement Agreement or the attached Board Order by appeal, writ or certiorari, or otherwise.

7. Collection. In accordance with Minn. Stat. § 16D, subd. 2 (2002), in the event this order becomes final and Respondent does not comply with the condition in paragraph 4(c) above, Respondent agrees that the Board may lift the stay on the remaining portion of the civil penalty and 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 Settlement Agreement and Cease and Desist Order. In the event the Board in its discretion does not approve this Settlement Agreement, this Settlement Agreement shall be null and void and shall not be used for any purpose by either party hereto. If this Settlement Agreement is not approved and a contested case proceeding is initiated pursuant to Minn. Stat. ch. 14, Respondent agrees not to object to the Board's initiation of the proceeding and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this Settlement

Agreement and the record.

9. Record. The Settlement Agreement, 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 Settlement Agreement.

10. Data Classification. Under the Minnesota Data Practices Act, this Settlement Agreement is classified as public data upon its issuance by the Board. Minn. Stat. § 13.41, subd. 5 (2002). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Data Practices Act, Minn. Stat. ch. 13. They shall not, to the extent they are not already public documents, become public merely because they are referenced herein.

11. 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 Settlement Agreement and which is not directly related to the specific facts and circumstances set forth herein.

12. Entire Agreement. Respondent has read, understood, and agreed to this Settlement Agreement and is freely and voluntarily signing it. The Settlement Agreement contains the entire agreement between the parties. 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 Settlement Agreement shall be served personally or by first class mail on Respondent. The Settlement Agreement shall be effective and deemed issued when it is signed by the Chair of the Board.

RESPONDENT


Stephen R. Hoover

Dated: 7/22, 2004

COMPLAINT COMMITTEE

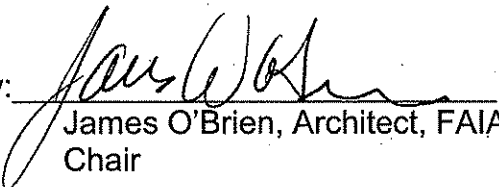
By: 
Doris Preisendorf Sullivan, LA, FASLA
Complaint Committee Chair

Dated: 8/5, 2004

ORDER

Upon consideration of the foregoing Settlement Agreement and based upon all the files, records and proceedings herein, all terms of the Settlement Agreement are approved and hereby issued as an Order of this Board on this the 10 day of SEPT, 2004.

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

By: 
James O'Brien, Architect, FAIA
Chair

STUDY OF CEILING AND IN-RACK SPRINKLER
SYSTEMS IN THE GENERAL MERCHANDISE AREAS
OF THE ORIGINAL BUILDING AND THE 2000 ADDITION

SYSCO Minnesota
2400 County Road J
St. Paul (Mounds View), MN 55112

by
Stephen R. Hoover, PE
Schirmer Engineering Corporation

*not currently
licensed*

June 2003

FAX 651-297-5310
PAT MUNKEL-OLSON

EXHIBIT A

RECEIVED

Stephen R. Hoover
2141 W. 116th Place
Chicago, IL 60643

26 August 2003

Ms. Patricia Munkel-Olson
Investigator
The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture,
Geoscience, and Interior Design
85 East 7th Place
Suite 160
St. Paul, MN 55101

RE: Hoover, File No. 2004-0007 and your Letter of August 6, 2003

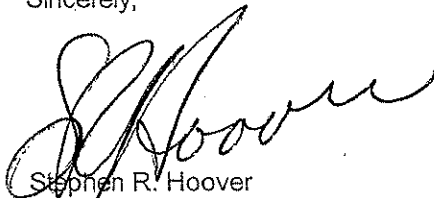
Dear Ms. Munkel-Olson

In the opening paragraph of your August 6th letter, a complaint is made that I used the PE designation when not registered in the State of Minnesota.

When writing the cover page I did inadvertently use the PE designation without any further qualification. Upon being advised of this error I forwarded a corrected cover page to the fire marshal and it included the license number, the state where it was issued, and my signature. I understand that this is acceptable to the Minnesota Board.

A copy of the corrected cover page is attached. I apologize for any inconvenience or misunderstanding that has occurred. If there is further information I can provide please write or call me at 773-445-9028 and request it.

Sincerely,



Stephen R. Hoover

Attachments

EXHIBIT B

SCHIRMER ENGINEERING CORPORATION

707 LAKE COOK ROAD ▲ DEERFIELD, ILLINOIS 60015-4997 ▲ PHONE (847) 272-8340 ▲ FAX (847) 272-2639

STUDY OF CEILING AND IN-RACK SPRINKLER SYSTEMS IN THE GENERAL MERCHANDISE AREAS OF THE ORIGINAL BUILDING AND THE 2000 ADDITION

SYSCO Minnesota
2400 County Road J
St. Paul (Mounds View), MN 55112

by
Stephen R. Hoover, PE
Schirmer Engineering Corporation

Registered Fire Protection Engineer
State of California
License No. FP 370
Expires September 30, 2005



June 2003

EXHIBIT C

