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

In the matter of
William Kroll, PROFESSIONAL ENGINEER
License Number 8155

STIPULATION AND ORDER

Board File No. 2005-0027

TO: Mr. William Kroll
5217 West Mill Road
Minnetonka, MN 55345

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 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 William Kroll ("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 has held a license to practice professional engineering from the Board since 08/02/1966. 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 to practice professional engineer in the State of Minnesota on 08/02/1966.

b. On 07/01/2004, Respondent's license to practice professional engineer in the State of Minnesota expired.

c. On 01/31/2005, Respondent's license to practice professional engineer in the State of Minnesota was renewed with an expiration date of 06/30/2006.

d. On 09/14/2004, Respondent signed a letter on the letterhead of Wm. H. O. Kroll & Associates, Inc., addressed to the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience & Interior Design, and used the title of P.E. succeeding his signature. A true and correct copy of the 09/14/2004 letter is attached as Exhibit 1.

3. Violations. Respondent admits that the facts specified above constitute violations of Minn. Stat. §§ 326.02, Subd. 1 and Minn. Stat. §§ 326.02, Subd. 3 (2005) and are sufficient grounds for the action specified below.

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 five hundred dollars ($500.00). Respondent shall submit a civil penalty of five hundred dollars ($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.

5. Additional Discipline for Violations of Order. If Respondent violates

this Stipulation and Order, Minn. Stat. ch. 326, or Minn. Rule ch. 1800 or 1805, 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 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 Minn. Stat. ch. 14, 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 Minn. Stat. § 16D, subd. 2 (2005), 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 Minn. Stat. ch. 14, 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. Minn. Stat. § 13.41, subd. 4 (2005). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government 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.

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 chose 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.

RESPONDENT

William Kroll

Dated: 22 May, 2006

COMPLAINT COMMITTEE

BY: Billie Lawton

Billie Lawton, Public Member
Complaint Committee Chair

Dated: 6-15-, 2006

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 15TH day of June, 2006.

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

By: Harvey H. Harvala

Harvey H. Harvala, PE
Board Chair

Wm. H. O. Kroll & Associates, Inc.
Engineers Consulting In Acoustics
5217 West Mill Road • Minnetonka, Minnesota 55345
Phone 952-934-9494 • FAX 952-934-1300

14 September, 2004

The Minnesota Board of Architecture, Engineering, Land Surveying,
Landscape Architecture, Geoscience & Interior Design
85 East 7th Place, Suite 160
St. Paul, MN 55101

RECEIVED
SEP 15 2004

For Andrea Barker - Continuing Education Program Administrator

Subject: Wm. H. O. Kroll, P.E. - Nr. 8155

Greetings:

Today's mail brought me your letter telling me that my request for an exemption had been denied. Was the Board fully aware of my situation and did it possibly hastily act upon my request?

Please consider the following:

- Where could I get professional development hours in my specialty acoustics - sound, noise and vibration?
- As far as I know, no other P.E. in Minnesota is working in my specialty.
- I have been guest lecturer in acoustics in Africa, have lectured in Australia before the International Congress on Acoustics meeting there. I have lectured to architectural students at the University of Minnesota and at businesses with problems related to planned buildings and related acoustical matters.
- I am a member of the NCAC (National Council of Acoustical Consultants) which carefully checks out academic and professional backgrounds and wants references from those nationally prominent in the field. There are about 135 members in the whole USA.
- I have suffered from terrible medical problems, things that medical people tell me, most would not have survived.

EXHIBIT I

- I have been on and off in rehab programs over the past three years but was treated this spring - May 2004 - three times at the Mayo Clinic Hospital for atrial fibrillation and am now, finally with the right medications, making progress in rehab and beginning to work more hours.

- There is a track record of over 1,000 projects in some thirty states from New York to California.

- I took a special course in acoustics at MIT and have studied acoustics in Germany and Italy.

- I have a U.S. patent in acoustics.

- I have never lost a case as expert witness in acoustics at trials and lawsuits.

- Clearly, I am good for the profession and do what I can to promote engineering with the P.E. Program.

- I have always been proud of my "P.E." and really wish to go on living with it, even at the age of 75.

Please help me with this matter. What can I do to gather the necessary continuing education credits?

Sincerely,

(B:11)

Wm. H. O. Kroll, P.E.

WmK/iw