

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

RECEIVED
MAY 31 2011

In the matter of Albert Paul Hermans
PROFESSIONAL ENGINEER
License Number 22122

STIPULATION AND ORDER.....

Board File No. 2011-0005

TO: Albert Paul Hermans
14921 East 44th Street
Independence, Missouri 64055

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 Albert Paul Hermans ("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 July 13, 1992. 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 July 13, 1992.

b. Respondent's Minnesota Professional Engineering license in the State of Minnesota is current with an expiration date of June 30, 2012.

c. On June 30, 2008, Respondent renewed his Minnesota Professional Engineering license. On the Application for License/Certificate Renewal for July 1, 2008 to June 30, 2010, Respondent affirmed that he had been disciplined by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors. A true and correct copy of the Application for License/Certificate Renewal for July 1, 2008 to June 30, 2010 is attached as Exhibit A.

d. Respondent renewed and affirmed the Board's 2012 renewal application on-line on June 28, 2010 at 3:12 PM. In order to continue the online renewal process, it asks the licensee, "Since July 1, 2008, have you had a license disciplined, denied, surrendered, suspended or revoked?" There is a button to check 'yes' or 'no' to this question. Directly below this question it asks the licensee, "I swear or affirm that I have read the foregoing renewal application and continuing education reporting screens and that the statements are true and complete." The next step to complete is a box to click that states, "I accept." Additionally it states, "(You must check this box to continue)." Respondent

clicked on the box to continue as his Professional Engineer license was renewed on June 28, 2010. If Respondent had selected 'yes' to the question, "Since July 1, 2008, have you had a license disciplined, denied, surrendered, suspended or revoked," the system would not have let him continue and would have given him the error message: "You cannot renewal your license online if you had a license disciplined, denied, surrendered, suspended or revoked. Please contact Lynette DuFresne at 651-757-1510 for assistance...[sic]..."

e. Respondent did not report that he had been disciplined by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors & Landscape Architects, on October 24, 2008. A true and correct copy of the Missouri Board For Architects, Professional Engineers, Professional Land Surveyors & Landscape Architects Settlement Agreement/ Joint Agreed Disciplinary Order, dated October 24, 2008 is attached as Exhibit B.

f. In a letter dated August 20, 2010, Respondent stated: "When I applied for renewal on-line, I relied on my memory as to when the Missouri disciplinary action began and whether I had informed the Minnesota Board on a previous renewal. Obviously, my memory failed me and we are left with the current situation. As can be seen in the copy of the settlement agreement with the State of Missouri enclosed with your letter, the disciplinary action in Missouri was taken as a result of the consent order entered into with the State of Oklahoma in May 2007. The resultant probationary period in Missouri extends from January 1, 2009 to December 31, 2011 provided that I comply with the

provisions therein. Based on the copy of my 2008 renewal, it would appear that the Board was notified of the disciplinary action taken in Oklahoma." A true and correct copy of the letter dated August 20, 2010 is attached as Exhibit C.

3. Violations. The Committee's position is that the facts specified above constitute violations of Minnesota Statutes section 326.111, subdivision 4 (a) 1, 2, and 5 (2010) and Minnesota Rules 1805.0200, subparts 1, 2, and 4(C) (2009) and are sufficient grounds for the action specified below. Further, the Committee's position is that Respondent failed to disclose a material fact, the October 24, 2008 Missouri Board Settlement Agreement/Joint Agreed Disciplinary Order, and thus falsified or misrepresented information on the renewal application that he affirmed on June 28, 2010. Respondent's position is that he denies that he falsified or misrepresented information in the on-line renewal application and that it was simply an oversight, nothing more. However, the Committee and Respondent wish to resolve this matter by mutually agreeing to the remedy specified in paragraph 4 below.

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

a. Surrender of Professional Engineering License. The Committee acknowledges that the Respondent has voluntarily surrendered his professional engineering license on April 4, 2011. Respondent shall not reapply for licensure in this State as a professional engineer.

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 professional 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.

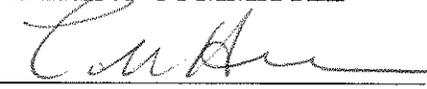
14. Service. If approved by the Board, a copy of this Stipulation and Order shall be served personally or by first class mail on Respondent. The Order shall be effective and deemed issued when it is signed by the Chair of the Board.

RESPONDENT


Albert Paul Hermans

Dated: 5/25, 2011

COMPLAINT COMMITTEE

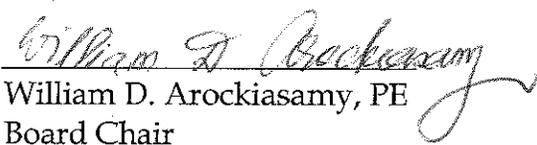
By: 
Lisa Hanni, LS
Committee Chair

Dated: June 2, 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 2nd day of JUNE, 2011.

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

By: 
William D. Arockiasamy, PE
Board Chair

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

JUN 30 2008

Application for License/Certificate Renewal: 7/1/2008 – 6/30/2010

ALL licenses and certificates expired on 6/30/2008 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 be returned. **The licensee or certificate holder is responsible for any late fees incurred after 6/30/2008 if an application is incomplete.**

Personal Information

Name: ALBERT HERMANS

Company Name: SDC ENGINEERING

Profession: PROFESSIONAL ENGINEER

Address 1: 9600 EAST 53rd ST.

License/Certificate #: 22122

Address 2: # 201

Mailing Address: Home Business

City, State, Zip: RAYTOWN, MO 64133

Is this a new address? Yes No

Country: USA

Contact Phone #: 816-356-1445

Continuing Education

Requirement: 24 Professional Development Hours earned on or after July 1, 2006, 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, 2006. (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 7/1/2006 – 6/30/2008: 30.6
Carryover from previous renewal: 12
Total PDH submitted: 42.6

State of Minnesota
Board of AELSLAGID

JUL 01 2008

Rec'd 120

Fees and Affidavit

If postmarked on/before 6/30/08: **\$120**
If postmarked on/after 7/1/08: **\$150**
If postmarked on/after 10/1/08: **\$180**

Make checks payable to:
MN Board of AELSLAGID
US Funds Only

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 *Not reviewed.*

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

[Signature]
Signature

6/27/08
Date

Process renewal

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.

EXHIBIT A

BEFORE THE OKLAHOMA STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

JUN 30 2008

STATE OF OKLAHOMA *ex rel.* OKLAHOMA
STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND LAND
SURVEYORS,

Complainant,

vs.

Name: Albert Hermans
Certificate of Licensure No.: PE 22437
Address: 14921 East 44th Street
Independence, MO 64055

Respondent.

FILED

MAY 31 2007

OKLA. BOARD OF LIC. FOR
PROF. ENGRS. & LAND SURVEYORS

Case No. 2006-098

CONSENT ORDER

COMES NOW the Complainant, Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors (the "Board") and the Respondent Albert Hermans ("Hermans").

FINDINGS OF FACT

For the purposes of the entry of this Consent Order, the following facts are hereby stipulated to by the parties and adopted by the Board:

COUNT I

1. In July 2006, Hermans entered into a verbal agreement with Energy Engineering, Inc. to provide engineering services and began providing engineering services as they relate to the Columbia Square Apartments in Lawton, Oklahoma ("The Project").
2. Hermans applied for licensure as an Oklahoma Professional Engineer on August 14, 2006 and was licensed on September 21, 2006.
3. Hermans is therefore guilty of violating the provisions of 59 O.S. §§ 475.1 and 475.20(A) and OAC §§ 245: 15-23-1 (a)(1) and (4), and OAC §§ 245: 15-23-1 (a)(1) and (4), by offering to practice and practicing engineering in the State of Oklahoma, as defined by 59 O.S. §

475.2(4) without a license and by holding himself out as an engineer, without being licensed or having a Temporary Permit and is therefore, subject to the Administrative Penalties set forth in 59 O.S. § 475.20 (B) and OAC §§ 245: 15-23-3 and 18.

COUNT II

4. The Allegations contained in Count I above are incorporated herein by reference.

5. On or about July 13, 2006, Ron Reid Associates, Inc. ("Reid"), entered into a contract with Energy Engineering, Inc. ("Energy") for Energy to provide engineering consultant services as they relate to Columbia Square Apartments in Lawton, Oklahoma ("The Project"). The consulting services included engineering services as defined in 59 O.S. §475.1 et seq.

6. In July 2006, Energy then hired Hermans as an outside consultant to review, sign and seal The Project on behalf of Energy. Hermans was not a full time employee of Energy.

7. Energy did not have nor does it have now a Certificate of Authorization to practice engineering in the State of Oklahoma.

8. At the time he signed and sealed the Plans for The Project, Hermans knew or should have known that Energy did not have a Certificate of Authorization to provide engineering services in the State of Oklahoma.

9. Hermans has therefore aided and assisted Energy in the practice of engineering without a certificate of authorization in violation of the provisions of 59 O.S. §§ 475.1 and 475.18(A)(8) and OAC §§ 245: 15-23-2(3), and Hermans is, therefore, subject to the Administrative Penalties set forth in 59 O.S. § 475.20 (B) and OAC §§ 245: 15-23-3 and 18.

COUNT III

10. The Allegations contained in Count I and II above are incorporated herein by reference.

11. Hermans received the drawings from Energy and made redlined changes and returned to Energy, and was not involved with The Project on a daily basis, but only telephone conferences with Energy personnel during the generation of the drawings. Hermans applied his seal and added his signature to the Plans on October 23, 2006.

11. Since Hermans was acting as consultant, he was not in direct control or personal supervision of the work on Project.

12. Hermans is therefore guilty of violating the provisions of 59 O.S. §§ 475.1 and 475.18(A)(10) and OAC §§ 245: 15-23-2(13), in that he signed and sealed engineering plans that were not prepared under his direct control or personal supervision or his responsible charge and Hermans is, therefore, subject to the Administrative Penalties set forth in 59 O.S. § 475.20 (B) and OAC §§ 245: 15-23-3 and 18.

CONCLUSIONS OF LAW

1. The Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors has jurisdiction of this case pursuant to:

a. Statutes Regulating Professional Engineering and Land Surveying, 59 O.S. § 475.1 *et seq.*

b. The Rules of the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors, OAC § 245:15, *et seq.*

2. Respondent was properly notified of the charges, acknowledged his right to counsel and has retained and been advised by counsel.

3. Respondent has made no objection to the timeliness of the notice or to the specificity of the statement of charges. Furthermore, Respondent waives his rights to require the Board to afford him at least thirty (30) days notice of the Board's Formal Complaint, and hereby requests the Board consider the Consent Order prior to such time.

4. The Findings of Fact stipulated to by Respondent constitutes violations of the Statutes Regulating Professional Engineering and Land Surveying and the Rules of the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors, pertaining to the professional practice of engineering upon which the board may take disciplinary action against Respondent.

CONSENT

Albert Hermans by affixing his signatures hereto, acknowledge that:

1. Respondent has been specifically advised to seek the advice of counsel prior to signing this Consent Order, and have been advised by counsel; and
2. Respondent acknowledges that he has the following rights, among others:
 - a. The right to a formal fact finding hearing before the Board;
 - b. The right to reasonable notice of said hearing;
 - c. The right to compel the testimony of witnesses;
 - d. The right to cross-examine witnesses against themselves; and
 - e. The right to obtain judicial review of the Board's decisions.
 - f. The right to counsel.
3. Respondent waives all such rights to a formal hearing as set forth above in paragraph two (2).
4. Respondent stipulates to the facts set forth above, and Respondent specifically waives his individual rights to contest these findings in any subsequent proceeding before the board; and
5. Respondent consents to the entry of this Consent Order.

ORDER

In accordance with the foregoing findings of facts and conclusions of law, and the agreement and consent of the Respondent, it is hereby ordered as follows:

1. Albert Hermans should be and hereby is found guilty of the charges set forth in Count I of the Formal Complaint because he offered to practice engineering and engaged in the practice of engineering without a license, including the Services, in connection with the Project without a temporary permit or certificate of Licensure to do so in violation of 59 O.S. §§ 475.1 and 475.20 and OAC § 245: 15-23-1.

2. In accord with 59 O.S. § 475.20 (B) and OAC §§ 245: 15-23-3 and 15-23-18, Albert Hermans is hereby assessed an administrative penalty in the amount of One Thousand Dollars (\$1,000.00) as and for the violations set forth in Count I above, which shall be paid within thirty (30) days from the date of the entry of this Consent Order.

3. In accord with 59 O.S. § 475.20 (B) and OAC §§ 245: 15-23-3 and 15-23-18, Albert Hermans is hereby REPRIMANDED as and for the violations set forth in Count I above.

4. Albert Hermans should be and hereby is found guilty of the charges set forth in Count II of the Formal Complaint because he signed and sealed Plans for The Project when he knew or should have known Energy Engineering, Inc. did not have a Certificate of Authorization to provide engineering services, including the Services, in connection with the Project, and thus aided and assisted Energy Engineering, Inc. in the practice of engineering with a Certificate of Authorization in violation of 59 O.S. §§ 475.1 and 475.18(A)(8) and OAC §§ 245: 15-23-2(3).

5. In accord with 59 O.S. § 475.20 (B) and OAC §§ 245: 15-23-3 and 15-23-18, Albert Hermans is hereby assessed an administrative penalty in the amount of One Thousand Dollars (\$1,000.00) as and for the violations set forth in Count II above, which shall be paid within thirty (30) days from the date of the entry of this Consent Order.

6. In accord with 59 O.S. § 475.20 (B) and OAC §§ 245: 15-23-3 and 15-23-18, Albert Hermans is hereby REPRIMANDED as and for the violations set forth in Count II above.

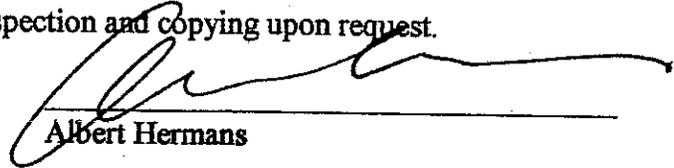
7. Albert Hermans should be and hereby is found guilty of the charges set forth in Count III of the Formal Complaint because he was acting as a consultant on The Project, he signed and sealed engineering plans that were not prepared under his direct supervision or control, or his responsible charge in violation of 59 O.S. §§ 475.1 and 475.18(A)(10) and OAC §§ 245: 15-23-2(13.)

8. In accord with 59 O.S. § 475.20 (B) and OAC §§ 245: 15-23-3 and 15-23-18, Albert Hermans is hereby assessed an administrative penalty in the amount of One Thousand Dollars (\$1,000.00) as and for the violations set forth in Count III above, which shall be paid within thirty (30) days from the date of the entry of this Consent Order.

9. In accord with 59 O.S. § 475.20 (B) and OAC §§ 245: 15-23-3 and 15-23-18, Albert Hermans is hereby REPRIMANDED as and for the violations set forth in Count III above.

DISCLOSURE

Pursuant to the Oklahoma Open Records Act, 51 O.S. § 24-A.1 through 24-A.21, the signed original of this Consent Order shall remain in the custody of the Board as a public record and shall be made available for public inspection and copying upon request.



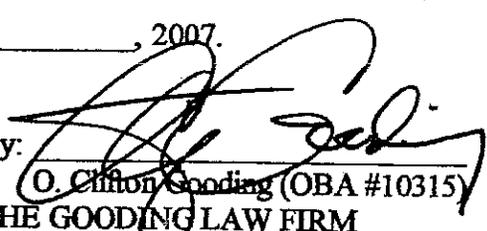
Albert Hermans

Date: 5/15/07

CERTIFICATION OF BOARD ATTORNEY

I believe this Consent Order to be in the best interests of the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors and the State of Oklahoma for the violations as alleged in the Formal Complaint.

Dated this 31st day of May, 2007.

By: 

O. Clifton Gooding (OBA #10315)

THE GOODING LAW FIRM

A Professional Corporation

1200 City Place Building

204 North Robinson Avenue

Oklahoma City, OK 73102

405.948.1978 - Telephone

405.948.0864 - Facsimile

cgooding@goodingfirm.com - Email

Attorneys Oklahoma State Board of
Licensure for Professional Engineers
and Land Surveyors

ORDER OF THE BOARD

NOW on this 31st day of May, 2007, Respondents have admitted voluntarily, with knowledge of their rights under law, the allegations contained in Counts I, II and III of the Formal Complaint. It further appears that the foregoing Consent Order is just and equitable in order to safeguard life, health, and property, and to promote the public welfare in the State of Oklahoma.

IT IS THEREFORE ORDERED that the Respondents' stipulations to the violations contained in Counts I, II and II of the Formal Complaint are accepted and the above Consent Order incorporated herein shall be the order of the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors.

Dated this 31st day of May, 2007.

OKLAHOMA STATE BOARD OF
LICENSURE FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

By: Jon Nelson
Jon D. Nelson, Chairman

**SETTLEMENT AGREEMENT BETWEEN MISSOURI BOARD FOR
ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND
SURVEYORS & LANDSCAPE ARCHITECTS AND
ALBERT PAUL HERMANS**

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects ("Board") and Albert Paul Hermans ("Hermans") enter into this Settlement Agreement ("Settlement Agreement") for the purpose of resolving the question of whether Hermans' license as a professional engineer will be subject to discipline.

Pursuant to § 536.060, RSMo,¹ the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo (Cum. Supp. 2007). The Board and Hermans jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo (Cum. Supp. 2007).

Hermans acknowledges that he understands the various rights and privileges afforded him by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing against him at the hearing; the right to present evidence on his behalf at the hearing; the right

¹ All statutory citations are to the 2000 Revised Statutes of Missouri unless otherwise noted.

to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the charges pending against him; the right to a ruling on questions of law by the Administrative Hearing Commission; the right to a disciplinary hearing before the Board at which time Hermans may present evidence in mitigation of discipline; the right to seek recovery of attorney fees and expenses; and the right to obtain judicial review of the decisions of the Administrative Hearing Commission and the Board. Being aware of these rights provided to him by law, Hermans knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document as they pertain to him.

Hermans acknowledges that the Board and its attorney followed the procedures enumerated in section 621.045, RSMo (Cum. Supp. 2007), including, but not limited to, providing Hermans with a written description of the specific conduct for which discipline is sought and citations to the law and rules violated, together with copies of any documents which are the basis thereof and the Board's initial settlement offer.

For the purpose of settling this dispute, Hermans stipulates that the factual stipulations contained in this Settlement Agreement are true and stipulates with the Board that Hermans' license as a professional engineer, License No. 023306, is subject to disciplinary action by the Board in accordance with the relevant provisions of Chapter 621, RSMo (Cum. Supp. 2007), and Chapter 327, RSMo, as amended. Hermans understands that the Board may take further disciplinary action against him based on facts or conduct not

specifically mentioned in this document that are either now known to the Board or may be discovered.

I.

Joint Stipulation of Facts and Conclusions of Law

Based upon the foregoing, the Board and Hermans herein jointly stipulate to the following:

1. Respondent, Albert Paul Hermans ("Hermans") was licensed by the Board on or about March 1, 1989 as a Professional Engineer, (License No. 023306). Hermans' license is, and was at all relevant times herein, current and active.
2. Hermans was licensed by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors on or about September 21, 2006 as a Professional Engineer (License No. PE 22437).
3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to §§621.045, RSMo (Cum. Supp. 2007) and 327.451, RSMo.
4. Hermans is guilty of violating provisions of Oklahoma law by offering to practice and practicing engineering in the State of Oklahoma, as defined by 59 O.S. § 475.2(4), before he received his license and by holding himself out as an engineer without being licensed or having a Temporary Permit.
5. The Findings of Fact stipulated to by Hermans, pertaining to the professional practice of engineering, constitutes violations of the statutes regulating professional engineering and land surveying and the rules of the Oklahoma State Board of Licensure for

Professional Engineers and Land Surveyors.

6. Hermans was thereby assessed an administrative penalty in the amount of one thousand dollars and his Professional Engineer License was reprimanded based on the aforementioned violations.

7. Section 327.441.2(8), RSMo, sets forth the grounds for discipline and states in pertinent part:

(8) Disciplinary action against the holder of a license or a certificate of authority, or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state[.]

8. The Consent Order entered into by Hermans and the Oklahoma State Board for Professional Engineers and Land Surveyors constitutes disciplinary action against his Oklahoma Professional Engineer License and is grounds for which revocation or suspension is authorized in this state because his offering to practice and practicing engineering without a license, holding himself out as an engineer without being licensed or having a Temporary Permit, aiding and assisting others in the practice of engineering without a certificate of authorization, and signing and sealing engineering plans that were not prepared under his direct control or personal supervision or his responsible charge.

9. Based on the foregoing, cause exists to discipline Hermans' license as a Professional Engineer pursuant to § 327.441.2(8), RSMo.

II.
Joint Agreed Disciplinary Order

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of §§ 327.441, 536.060, 621.110 and 621.045.3, RSMo, as amended.

1. Hermans' license, No. 023306, as a professional engineer is hereby placed on PROBATION for a period of THREE YEARS. The period of probation shall constitute the "disciplinary period." During the period of probation, Hermans shall be entitled to practice as a professional engineer under Chapter 327, RSMo, provided Hermans adheres to all the terms of this Settlement Agreement.

2. The terms and conditions of the disciplinary period are as follows:

A. Hermans shall keep the Board apprised at all times in writing of each of his current employers, as well as his address and telephone numbers at each place of residence and business. Hermans shall notify the Board in writing within ten (10) days of any change in this information. Hermans is responsible for ensuring that such notification is received by the Board.

B. Hermans shall timely renew all licenses, timely pay all fees required for license renewal, and shall comply with all other requirements necessary to maintain his license in a current and active status.

C. If, at any time during the disciplinary period, Hermans changes residences; ceases to be currently licensed under the provisions of Chapter 327, RSMo, as amended; or fails to keep the Board advised of all current places of residence and business, then the time of absence, or unlicensed status, or unknown whereabouts, shall toll the disciplinary period and shall not be deemed or taken as any part of the disciplinary period.

D. Hermans shall comply with all relevant provisions of Chapter 339, RSMo, as amended; all rules and regulations of the Board; and all local, state, and federal laws. "State" as used herein refers to the state of Missouri and all other states and territories of the United States.

E. Hermans shall appear before the Board or its representative for a personal interview upon the Board's request.

F. Hermans shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of his discipline.

G. During the Disciplinary Period, Hermans shall submit written reports to the Board no later than January 1, April 1, July 1, and October 1 of each year, stating truthfully whether there has been

compliance with all the conditions of this Settlement Agreement. It is Hermans' responsibility to ensure that the reports are submitted by the dates set forth above. The first such report shall be submitted on or before January 1, 2009.

H. During the Disciplinary Period, Hermans shall submit to the Board no later than January 1, April 1, July 1, and October 1 of each year, a comprehensive list of all Missouri engineering projects worked on for the previous three months. The comprehensive list shall identify the projects worked on by date, client, location of the project, and a brief description of the project and work performed. The first such report shall be submitted on or before January 1, 2009. When requested by the Board, Hermans shall submit, without delay, copies of all documents related to a specific project(s) for review by the Board, including, but not limited to, drawings, calculations, and notes. If no work is completed during the reporting period, Hermans must so advise the Board in writing in the same time-frame and manner as set forth above in this paragraph. It is Hermans' responsibility to ensure that the lists are submitted by the dates set forth above.

3. Upon the expiration of the disciplinary period, Hermans' license shall be fully restored if all requirements of law have been satisfied; provided, however, that in the event

the Board determines that Hermans has violated any term or condition of this Settlement Agreement, the Board may, in its discretion and after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke or otherwise lawfully discipline Hermans' professional engineering license.

4. No additional discipline shall be imposed by the Board pursuant to the preceding paragraph of this Settlement Agreement without notice and opportunity for hearing before the Board as a contested case in accordance with the provisions of Chapter 536, RSMo, as amended. If any alleged violation of this Settlement Agreement occurred during the disciplinary period, the Board may choose to conduct a hearing before it to determine whether a violation occurred and may impose further discipline.

5. This Settlement Agreement does not bind the Board or restrict the remedies available to it concerning any future violations by Hermans of Chapter 339, RSMo, as amended, or the regulations promulgated thereunder, or of the terms and conditions of this Settlement Agreement.

6. This Settlement Agreement does not bind the Board or restrict the remedies available to it concerning facts or conduct not specifically mentioned in this Settlement Agreement that are either now known to the Board or may be discovered.

7. If any alleged violation of this Settlement Agreement occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to

determine whether a violation occurred and, if so, may impose further disciplinary action. Hermans agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this Settlement Agreement has occurred.

8. Each party agrees to pay all of their own fees and expenses incurred as a result of this case, its litigation, and/or its settlement.

9. The terms of this Settlement Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Settlement Agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

10. The parties to this Settlement Agreement understand that the Board will maintain this Settlement Agreement as an open record of the Board.

11. Hermans, together with his partners, shareholders, officers, directors, heirs, assigns, agents, employees, representatives and attorneys, does hereby waive, release, acquit and forever discharge the Board, its respective members, employees, agents and attorneys including former members, employees, agents and attorneys, of or from any liability, claim, actions, causes of action, fees, costs, expenses and compensation, including, but not limited to, any claim for attorney's fees and expenses, whether or not now known or contemplated, including, but not limited to, any claims pursuant to § 536.087, RSMo (as amended), or any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise

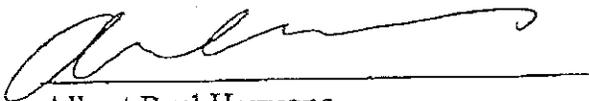
out of, or relate to any of the matters raised in this case or its litigation or from the negotiation or execution of this Settlement Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of the Settlement Agreement in that it survives in perpetuity even in the event that any court or administrative tribunal deems this agreement or any portion thereof void or unenforceable.

13. Hermans understands that he may, either at the time the Settlement Agreement is signed by all parties, or within fifteen days thereafter, submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for disciplining Hermans' license. If Hermans desires the Administrative Hearing Commission to review this Settlement Agreement, Hermans may submit his request to: Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65101.

14. If Hermans requests review, this Settlement Agreement shall become effective on the date the Administrative Hearing Commission issues its order finding that the Settlement Agreement sets forth cause for disciplining Hermans' license. If Hermans does not request review by the Administrative Hearing Commission, the Settlement Agreement goes into effect 15 days after the document is signed by the Executive Director of the Board.

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

LICENSEE

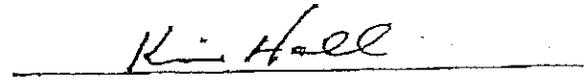

Albert Paul Hermans

Date: 10/21/08


Judy Kempker, Executive Director

Date: 10/24/08

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Architects, Professional Engineers,
Professional Land Surveyors and
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Albert Hermans, P.E.
14921 East 44th Street
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AUG 20 2010

August 20, 2010

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

Re: File No. 2011-0005

Ms. DuFresne:

I am in receipt of your letter dated August 5, 2010 regarding possible violation of Minnesota Statutes governing the practice of Professional Engineering.

First, I would like to offer an apology to the Minnesota Board as the omission of disciplinary action taken by the Missouri Board on my renewal was not intentional. By way of explanation, I am registered in 18 states with renewal dates that come about at all times of the year. When I applied for renewal on-line, I relied on my memory as to when the Missouri disciplinary action began and whether I had informed the Minnesota Board on a previous renewal. Obviously, my memory failed me and we are left with the current situation.

As can be seen in the copy of the settlement agreement with the State of Missouri enclosed with your letter, the disciplinary action in Missouri was taken as a result of the consent order entered into with the State of Oklahoma in May 2007. The resultant probationary period in Missouri extends from January 1, 2009 to December 31, 2011 provided that I comply with the provisions therein. Based on the copy of my 2008 renewal, it would appear that the Board was notified of the disciplinary action taken in Oklahoma.

I hope this letter provides the information needed for this inquiry. Please let me know if anything else is needed. Again, my apologies to the Board for this oversight.

Yours truly,



Albert Hermans, P.E.

EXHIBIT C

