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

In the matter of Chad Nolte
LAND SURVEYOR
License Number 48632

RECEIVED
SEP 08 2011

STIPULATION AND ORDER

Board File No. 2010-0072

TO: Chad Nolte
17440 County 102
Chatfield, Minnesota 55923

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 Chad Nolte ("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 Land Surveyor license by the Board on December 9, 2010. 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 Land Surveyor in the State of Minnesota on December 9, 2010.

b. Respondent's Minnesota Land Surveyor license is current with an expiration date of June 30, 2012.

c. Respondent issued an invoice on April 28, 2010 for Professional Services he performed for a client related to real property located in Wabasha County, Minnesota. The invoice issued by Respondent states the Professional Services were for: "Field survey for boundary location. Corner Monuments placed/found. Legal description of 16.5' access easement. Points-on-line placed to mark visual line." A true and correct copy, with the clients names, service fees and copy of the cancelled check for payment redacted, of the invoice dated April 28, 2010 is attached as Exhibit A.

d. In the same invoice dated April 28, 2010, Exhibit A, Respondent's letterhead states: "Nolte's Land Surveying, Land Surveyors, Chad J. Nolte, LS Lic. #S-2905, 17440 County 102, Chatfield, Mn, 55923."

3. Violations. The Committee's position is that the facts specified above constitute violations of Minnesota Statutes section 326.02, subdivisions 1 and 4 and section 326.03, subdivision 1 (2010) and are sufficient grounds for the action specified below. Specifically, the Committee's position is that the Respondent practiced Land Surveying and held himself out as a Land Surveyor in the State of Minnesota prior to

being issued a Minnesota Land Surveyor license. Respondent's position is that he does not agree and does not admit to the violations. However, the Committee and Respondent wish to resolve this matter by mutually agreeing to the remedy specified in paragraph 4 below.

4. Remedy. 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 One Thousand Dollars ($1,000.00) to the Board by making two (2) equal payments of Five Hundred Dollars ($500.00) by cashier's check or money order, payable to the "Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design," first payment due within sixty (60) days of the Board's approval of this Stipulation and Order and the second payment due within one hundred twenty (120) 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, 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 Land Surveying.

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.

SEP 0 8 2011

RESPONDENT

Chad Nolte

Dated: Sept 6th, 2011

COMPLAINT COMMITTEE

By: Lisa Hanni, LS
Committee Chair

Dated: 9/21, 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 14th day of October, 2011.

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

By: William D. Arockiasamy
William D. Arockiasamy, PE
Board Chair

SEP 0 8 2011

The name(s) of the party being billed has been redacted. The amount for Services Fees has been redacted. A copy of the check used for payment has been redacted.

Nolte's Land Surveying

Land Surveyors

Chad J. Nolte, LS Lic. # S-2905

17440 County 102 Chatfield, Mn 55923

Business: 507.867.2931 Cell: 507.421.5427

chadnolte@mycleanwave.net

Invoice

April 28, 2010

Re: Invoice for the staking of 77.87 acres in Section 21, Township 109 North, Range 13 West, Wabasha County, Minnesota.

Professional Services:

Field survey for boundary location. Corner Monuments placed/found. Legal description of 16.5' access easement. Points-on-line placed to mark visual line.

Professional Services Fees:

Service Fees $

Checks made payable to Chad Nolte.

An additional 1.5% late fee charge will be assessed every 30 days if payment is not received within 30 days of dated invoice.

EXHIBIT A

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Chad Nolte,
LAND SURVEYOR
License Number 48632

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 17th day of OCTOBER, 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:

Mr. Chad Nolte
17440 County 102
Chatfield, Minnesota 55923

CERTIFIED MAIL
Return Receipt Requested
7010 0780 0001 5886 2883

Lynette DuFresne

Subscribed and sworn to before me on
this the 17th day of October, 2011.

(Notary Public)

Victoria Elizabeth Oehrlein
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2015