

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

In the matter of Carl Walker  
PROFESSIONAL ENGINEER  
License Number 26438

RECEIVED  
FEB 23 2011

STIPULATION AND ORDER

Board File No. 2010-0040 and 2010-0049

TO: Carl Walker  
VP Building Inc.  
273 Water Street  
Evansville, Wisconsin 53536

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 Carl Walker ("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 license to practice

professional engineering by the Board on February 16, 1999. 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 February 16, 1999.

b. On July 1, 2008, Respondent's Minnesota Professional Engineer license expired.

c. On December 29, 2009, the Board received the Respondent's Application for License Reinstatement through June 30, 2010 and renewed his Professional Engineering license. A true and correct copy of the Respondent's Application for License Reinstatement through June 30, 2010, is attached as Exhibit A.

d. With the Respondent's Application for License Reinstatement through June 30, 2010, was an Affidavit for Reinstatement. On the Affidavit for Reinstatement, Respondent crossed off paragraph 4 and stated: "See Attached letter." A true and correct copy of the Affidavit for Reinstatement, is attached as Exhibit B.

e. Attached to the Application for License Reinstatement through June 30, 2010, Respondent submitted a letter dated December 22, 2009 that stated: "As I discussed with you and Linette, I had never received the renewal card for the last renewal cycle for my license in the State of Minnesota nor did I receive any additional notifications stating I was past due, thus I was still under

the impression I had an active license. I had signed a set of metal building drawings for our customer in Minnesota and received a call from our customer today (12/22/2009) informing me my seal was invalid. Under the impression I was still active, I called you immediately after receiving the call from our customer to discuss this issue and how to resolve. To my embarrassment, I now know my license is inactive and after discussing the requirements with Linette, I am writing this letter of attachment to explain my circumstances and acknowledge I did use my license on the above project during this period." A true and correct copy of the December 22, 2009 letter, is attached as Exhibit C.

f. Respondent signed and sealed drawings for the Hearing & Service Dogs, 9440 Science Center Drive, New Hope, Minnesota on November 19, 2009. A true and correct copy of the signed and sealed drawings for the Hearing & Service Dogs, 9440 Science Center Drive, New Hope, Minnesota signed on November 19, 2009, is attached as Exhibit D.

g. In a letter dated March 7, 2010, Respondent stated, "Item 1 - I have enclosed a disk containing all calculations and drawings which have I applied my Minnesota seal for the time frame being asked to the best of my abilities to reconstruct work during that time period." The projects listed on the disk were projects the Respondent sealed with his Minnesota Professional Engineers license, during the lapse of his Professional Engineering license from July 1, 2008 to December 29, 2009:

- Storage Building USPS - #B96375, Eagan, Minnesota, April 2009.

- Truck Dumping Station, Farmers Coop Elevator, Montevideo, Minnesota, April 2009.
- Albert Lea Spec Building #1, Albert Lea, Minnesota, May 2009.
- Trimont Truck Receiving, Jackson, Minnesota, September 2009.
- Tri State Cold Storage, Rochester, Minnesota, September 2009.
- Pax Christie, Special Occupancy-Frames, Rochester, Minnesota, November 2009.
- Saint Johns Final, Redwood Falls, Minnesota, November 2009.
- Univar USA Inc., Saint Paul, Minnesota, November 2009.
- Service Dog Training Facility, New Hope, Minnesota, November 2009.
- Heartland Corn Products, Fermenter Addition Order, Winthrop, Minnesota, November 2009.

A true and correct copy of the letter dated March 7, 2010, is attached as Exhibit E.

h. Respondent's license to practice professional engineering in the State of Minnesota is now current with an expiration date of June 30, 2012.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.02, subdivisions 1 and 3, and section 326.03, subdivision 1 (2010) 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 Seven Thousand Five Hundred Dollars (\$7,500.00). Respondent shall submit a civil penalty of Seven Thousand Five Hundred Dollars (\$7,500.00) 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, 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.

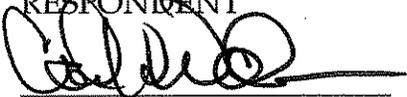
A summary will also be sent to the national discipline data bank pertaining to the practice of professional engineering.

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



Carl Walker

Dated: 2-20-2011, 2011

COMPLAINT COMMITTEE

By: Billie Lawton  
Billie Lawton, Public Member,  
Committee Chair

Dated: 3-11, 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 11 day of MARCH, 2011.

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

By:   
~~Kristine A. Kubes, J. D.~~  
Board Chair  
Douglas L Cooley

Minnesota Board of Architecture, Engineering, Land Surveying,  
Landscape Architecture, Geoscience and Interior Design  
85 E. 7<sup>th</sup> Place, Suite 160, St. Paul, MN 55101  
[www.aelslagid.state.mn.us](http://www.aelslagid.state.mn.us)

PROCESSED  
12-31-09  
DEC 28 2009

### Application for License/Certificate Reinstatement through 6/30/2010

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.

Please be advised, reinstating your license does not preclude the possibility that the Board may initiate an investigation of you for possible violations of Minnesota Statute §§ 326.02-326.15, or Minnesota Rule Chapters 1800 and 1805. Please read the enclosed Tennessee Warning.

#### Personal Information

Name: CARL W. WALKER  
Profession: ENGINEERING  
License/Certificate #: 26438  
Mailing Address:  Home  Business  
Is this a new address?  Yes  No

Company Name: VP BUILDING  
Address 1: 213 WATER ST.  
Address 2: \_\_\_\_\_  
City, State, Zip: EVANSVILLE, WI 53536  
Country: USA  
Contact Phone #: 608-373-9300

#### 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](http://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: 13  
Carryover from previous renewal: 0  
Total PDH submitted: 13

State of Minnesota  
Board of AELSLAGID

DEC 29 2009

Rec'd 192.00

#### Fees and Affidavit

If postmarked on/before 7/1/09: \$180  
If postmarked on/after 7/1/09: \$192\*

Make checks payable to: MN Board of AELSLAGID 19  
US Funds Only 34  
Your canceled check is your receipt. 34

\* 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.

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.

Carl Walker  
Signature

12.22.09  
Date

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

AFFIDAVIT FOR REINSTATEMENT

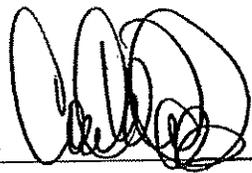
State of Wisconsin )

County of Rock )

I, CARL W. WALKER, being duly sworn, do hereby depose and swear that:

1. I have read and will comply with the provisions of Minnesota Statutes §§ 326.02 – 326.15 (2006) and the Rules and Regulations adopted thereunder;
2. I am not now under any disciplinary proceeding or action, pending or otherwise, in any other jurisdiction;
3. I have never been convicted of a felony;
4. ~~I have not represented myself as an architect, professional engineer, land surveyor, landscape architect, professional geologist, professional soil scientist, or certified interior designer, without proper licensure or certification, either verbally or on any printed matter, in the State of Minnesota, nor will I do so until such time as my license or certificate has been reinstated by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design; and~~
5. I have not performed or offered to perform architectural, professional engineering, land surveying, landscape architectural, professional geological, professional soil scientific, or certified interior designer services, without proper licensure or certification in the State of Minnesota, nor will I do so until such time as my license or certificate has been issued by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design.

*See Attached LETTER*

  12-23-09  
 Signature of Applicant

SUBSCRIBED and sworn to before me this 23 day of December 2009.

Michelle Fortune  
Notary Public

My Commission Expires:

11/18/12

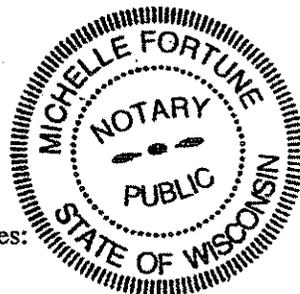


EXHIBIT B



VARCO PRUDEN BUILDINGS  
North Central Region  
273 Water Street  
Evansville, WI 53536  
Tel. (608) 882-5000  
Fax (608) 882-2370  
www.vp.com

12/22/2009

Minnesota AELSLAGID  
Attn: Andrea Barker

Subject: Minnesota License Renewal

Dear Andrea:

I am enclosing this letter of further explanation with regard to item 4 of the affidavit after my discussion with Linette Dufresne regarding filling out the Application for License/Certificate Reinstatement form as required by the State of Minnesota. As I discussed with you and Linette, I had never received the renewal card for the last renewal cycle for my license in the State of Minnesota nor did I receive any additional notifications stating I was past due, thus I was still under the impression I had an active license. I had signed a set of metal building drawings for our customer in Minnesota and received a call from our customer today (12/22/2009) informing me my seal was invalid. Under the impression I was still active, I called you immediately after receiving the call from our customer to discuss this issue and how to resolve. To my embarrassment, I now know my license is inactive and after discussing the requirements with Linette, I am writing this letter of attachment to explain my circumstances and acknowledge I did use my license on the above project during this period. As of the above date I will not seal any further Minnesota work until I am reinstated.

If you have any further questions, please contact me.

Cordially,

A handwritten signature in black ink, appearing to read 'Carl W. Walker', with a long horizontal line extending to the right.

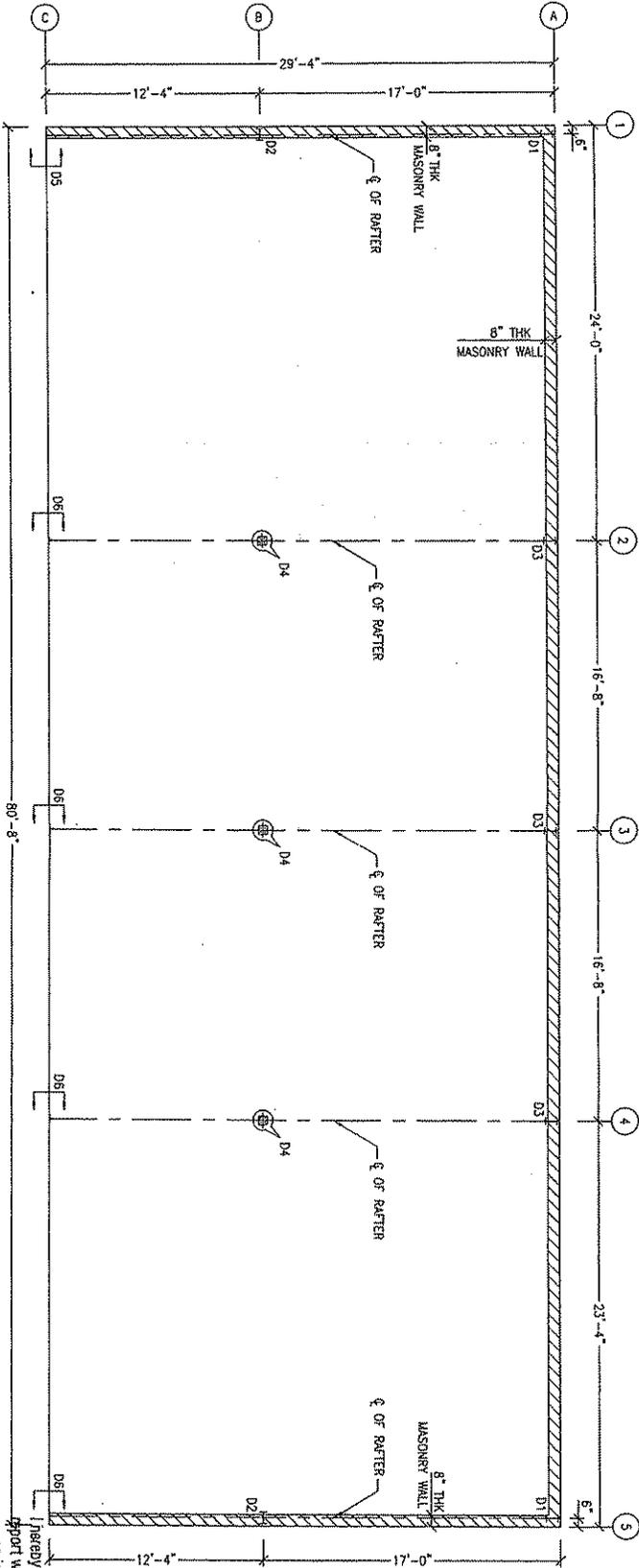
Carl W. Walker, PE  
Engineering Manager  
Wisconsin Service Center  
Phone: 608-373-9300  
Email: cwalker@vp.com

File: File

**EXHIBIT C**







ANCHOR ROD PLAN

Revised Bar Details = 103'-0" (shown)

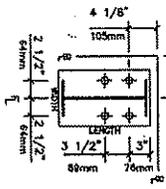
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Mississippi.

Name: **Can W. Walker**  
 License # **26438**  
 Date: **11/9/09**  
 License # **26438**

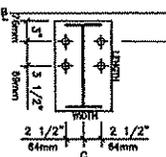
FOR CONSTRUCTION

ANCHOR ROD PLAN

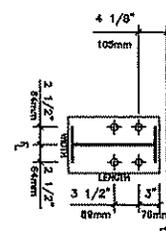
THE VP ENGINEER'S SEAL, AFFIXED TO THIS PLAN, IS VALID ONLY IF THE ENGINEER HAS BEEN LICENSED IN THE STATE OF MISSISSIPPI AND IS CURRENTLY LICENSED IN THE STATE OF MISSISSIPPI. THE SEAL IS VALID ONLY IF THE ENGINEER HAS BEEN LICENSED IN THE STATE OF MISSISSIPPI AND IS CURRENTLY LICENSED IN THE STATE OF MISSISSIPPI. THE SEAL IS VALID ONLY IF THE ENGINEER HAS BEEN LICENSED IN THE STATE OF MISSISSIPPI AND IS CURRENTLY LICENSED IN THE STATE OF MISSISSIPPI.	
3200 Poyers Club Circle Memphis TN 38125 1/1/1/2009 MS	VP Buildings, Inc. Memphis TN 38125 1/1/1/2009 MS
State Seal Building, Inc. 1000 N. Main Street Suite 100 Memphis TN 38125	State Seal Building, Inc. 1000 N. Main Street Suite 100 Memphis TN 38125
Job # 07-18513 Date 11/18/2009 Scale 1/8" = 1'-0" Drawing No. 103-09-01	Job # 07-18513 Date 11/18/2009 Scale 1/8" = 1'-0" Drawing No. 103-09-01



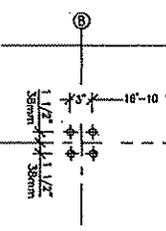
D1 (4)3/4" Dia. A36 A/Rods  
Pole W=8" L=9"  
Elevation 108'-0"



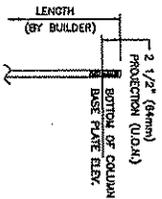
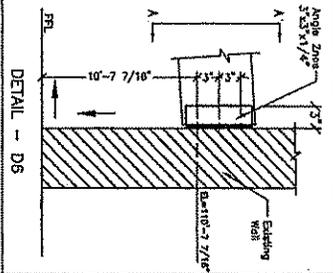
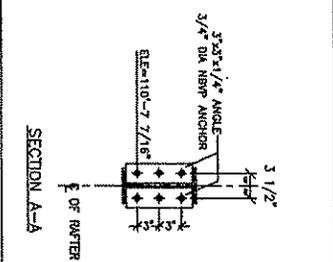
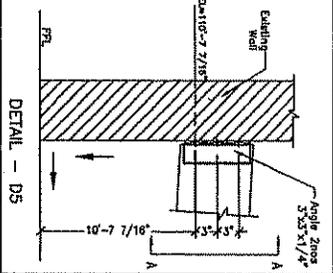
D2 (4)1/8" Dia. A36 A/Rods  
Pole W=8" L=9"  
Elevation 108'-0"



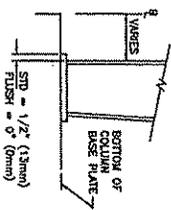
D3 (4)3/4" Dia. A36 A/Rods  
Pole W=8" L=9"  
Elevation 108'-0"



D4 (4)3/4" Dia. A36 A/Rods  
Elevation SLOPE WITH RAFTER



TYPICAL ANCHOR ROD PROJECTION



TYPICAL COLUMN BASE PLATE DETAIL

1. CONCRETE SHALL ANCHOR RODS AND ARE GRIND.
2. ANCHOR RODS SHALL BE WELDED TO GRIND.
3. ANCHOR RODS SHALL BE WELDED TO GRIND.
4. ANCHOR RODS SHALL BE WELDED TO GRIND.
5. ANCHOR RODS SHALL BE WELDED TO GRIND.
6. ANCHOR RODS SHALL BE WELDED TO GRIND.
7. ANCHOR RODS SHALL BE WELDED TO GRIND.

Field Pier Rods = 102'-0" (Steel Reinforcement)

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
Name: **CAROL WALKER**  
Signature: *[Signature]*  
Date: **11.19.09** License # **26438**

FOR CONSTRUCTION

ANCHOR ROD PLAN

VP Buildings, Inc.	2200 Progress Circle	Memphis TN 38125
DATE	NO	DESCRIPTION

ANCHOR ROD PLAN	DATE: 11/19/09
VP BUILDINGS	NO: 09-0853
MEMPHIS, TN	DATE: 11/19/09
MEMPHIS, TN	NO: 09-0853
MEMPHIS, TN	DATE: 11/19/09

11/11/2009

54/023

Reviewed: See Proj. Log, ORDER 02263845

MAR 09 2010



VARCO PRUDEN BUILDINGS  
North Central Region  
273 Water Street  
Evansville, WI 53536  
Tel. (608) 882-5000  
Fax (608) 882-2370  
www.vp.com

03/07/2010

Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture,  
Geoscience and Interior Design.

Attn:Lynette DuFresne

Subject: File No. 2010-0049

Dear Lynette:

As per you last letter I am enclosing the information you have requested as noted:

Item 1 – I have enclosed a disk containing all calculations and drawings which have I applied my Minnesota seal for the time frame being asked to the best of my abilities to reconstruct work during that time period.

Item 2 – As I work for a supplier of metal building systems, I do not offer professional services to the general public, thus I do not have any letterhead, advertisement, solitations, etc. which would be offering my services to the general public.

Item 3 – A business card is enclosed as requested.

Item 4 – No such articles or information published to general public or publications.

Item 5 – anything additional work done would have been performed under Item 1.

As stated in Item 2 above, I am employed by a metal building systems supplier (VP Buildings). As such, under this employment I do not offer professional services to the general public. As a supplier, we as a company provide design/detailing/and manufacturing of a product (metal building systems) which are sold to independent contractors throughout the United States, thus we are a supplier to a contractor and duly noted on the drawings for the construction of the product supplied by VP Buildings to the contractor which states:

EXHIBIT E

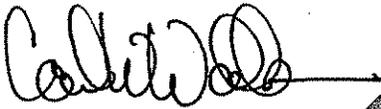
" The VP Engineer's seal applies only to the work product of VP and design and performance requirements specified by VP. The VP engineer's seal does not apply to the performance or desing of any other product or component furnished by VP except to an design or performance requirements specified by VP."

Also, please note that as a company, VP Buildings is defined as a manufacturer and not as a consultant. Thus no professional services are offered to the general public and any drawings, calculations, supplied are intended as only information to the design of the components supplied as well as to how the parts are to fit together in the field as shipped from the plant. VP Buildings does not perform nor advertise itself as an entity of Engineer of Record, nor do the engineers employed by VP Buildings who seal the drawings advertise nor perform as Engineer of Record.

Lastly, I reiterate that I did not receive my PE renewal form for the state of Minnesota, nor did I receive any follow up notification that my licensure dues was not paid and a penalty would be incurred. In no way did I intend to be malicious or unprofessional in my approach to licensure and it was upon notification from our builder that my license had lapsed, that I immediately retired my stamp until renewal and penalty payments were performed and approved through the state of Minnesota. Those have been performed and I am again licensed until June 2010 of this year.

If you have any further questions, or if any additional information and/or explanations are required, I can be reached any of the forms of communication below as well as my current business address.

Cordially,



Carl W. Walker, PE  
Engineering Manager  
Wisconsin Service Center  
608-393-9300  
[cwalker@vp.com](mailto:cwalker@vp.com)

File: File

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Carl Walker  
PROFESSIONAL ENGINEER  
License Number 26438

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 14<sup>th</sup> day of MARCH, 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. Carl Walker  
VP Building Inc.  
273 Water Street  
Evansville, Wisconsin 53536

CERTIFIED MAIL  
Return Receipt Requested  
7010 0780 0001 5886 2197

*Lynette DuFresne*  
\_\_\_\_\_  
Lynette DuFresne

Subscribed and sworn to before me on  
this the 14<sup>th</sup> day of March, 2011.

*Victoria E Oehrlein*  
\_\_\_\_\_  
(Notary Public)

