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

In the matter of Jennifer Levitt
PROFESSIONAL ENGINEER
License Number 43064

STIPULATION AND ORDER

Board File No. 2011-0078

TO: Jennifer Levitt
585 Landau Drive
Woodbury, Minnesota 55125

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 Jennifer Levitt ("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 December 18, 2003. 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 December 18, 2003.

b. On June 30, 2010, Respondent's professional engineer license in the State of Minnesota expired.

c. Respondent self-reported professional engineer license lapse in affidavit dated February 14, 2011.

d. Respondent reinstated her Minnesota professional engineer license on February 16, 2011. Respondent's Minnesota professional engineer license is current with an expiration date of June 30, 2012.

e. Respondent performed no observation of construction for the purpose of assuring compliance with specifications and design during the lapse of her license.

f. Respondent signed no engineering drawings or specifications during the lapse of her license.

g. Respondent's Minnesota professional engineer license lapsed from July 1, 2010 through February 16, 2011.

h. Respondent admits to holding herself out as a Professional Engineer during the lapse of her license from July 1, 2010 through February 16, 2011. Respondent attached a letter dated February 15, 2011 to her Application for License/Certificate Reinstatement through June 30,

2012, in which Respondent admits to having used the title of 'P.E.' during the lapse of her license.

i. In a response letter dated April 11, 2011 to the Board, Respondent estimates that ten (10) emails were sent in which she used the title of 'P.E.' following her name and twenty one (21) instances of internal city correspondence. Respondent stated that she does not utilize a standard email signature block on her email correspondence. Additionally, Respondent provided Exhibits A through G that are instances of correspondence showing where she used the title 'P.E.' following her name.

j. In this same letter dated April 11, 2011, Respondent states that she typically utilized the title of 'City Engineer' on her correspondence and not Professional Engineer.

k. On April 28, 2011, Respondent faxed a copy of her current position description as the 'City Engineer' for the City of Cottage Grove, Minnesota, to the Board. Under the MINIMUM REQUIREMENTS in the position description, paragraph A, the position requires a current Minnesota professional engineering license.

l. Based upon the ESSENTIAL JOB FUNCTIONS as the City Engineer, for the City of Cottage Grove, Minnesota, as stated in the position description, Respondent has practiced professional engineering without a current Minnesota Professional Engineer license from July 1,

2010 through February 16, 2011. Additionally, Respondent practiced professional engineering in the following correspondence as the City Engineer for the City of Cottage Grove, Minnesota:

1.1. Attached to Respondent's letter dated April 11, 2011, Exhibit 1, attachment Exhibit A, Respondent in her capacity as the City Engineer, makes a recommendation to the City Council of the City of Cottage Grove, to approve a grant agreement with the Minnesota Department of Health for activities related to source water protection.

1.2. Attached to Respondent's letter dated April 11, 2011, Exhibit 1, attachment Exhibit B, Respondent in her capacity as the City Engineer, makes a recommendation to the City Council of the City of Cottage Grove, to adopt a resolution approving a feasibility report prepared by a licensed engineer with Short Elliott Hendrickson, Inc., ordering the project, authorizing the preparation and acquisitions of land and easements, and authorizing the preparation of plans and specifications for the Ravine Parkway extension project to be prepared by Short Elliott Hendrickson, Inc.

1.3. Attached to Respondent's letter dated April 11, 2011, Exhibit 1, attachment Exhibit C, Respondent in her capacity as the City Engineer, makes a recommendation to the City Council of the City of Cottage Grove, to approve a proposal for conducting the Cottage Grove Splash Pad Planning Study to be performed by a professional engineer with

Bonestroo.

1.4 Attached to Respondent's letter dated April 11, 2011, Exhibit 1, attachment Exhibit D, Respondent in her capacity as the City Engineer, sends a Quiet Zone Notification of Establishment to the Associate Administrator for Safety Federal Railroad Administration on behalf of the City of Cottage Grove, Minnesota.

1.5. Attached to Respondent's letter dated April 11, 2011, Exhibit 1, attachment Exhibit G, Respondent in her capacity as the City Engineer, sends a letter to residents within the 2011 Pavement Management Area to invite them to a neighborhood meeting regarding the project.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.02 subdivisions 1 and 3, and Minnesota Statutes section 326.03, subdivision 1 (2010) and are sufficient grounds for the action specified below. Specifically, the Committee's position is that the Respondent held herself out as a Professional Engineer in Minnesota and practiced professional engineering, as defined in Minnesota Statutes section 326.02, subdivision 3 (2010), in Minnesota during the lapse of her Minnesota Professional Engineer license, between July 1, 2010 and February 16, 2011.

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 total civil

penalty of Five Thousand Dollars ($5,000.00). Respondent shall submit an initial payment of Two Thousand Five Hundred Dollars ($2,500.00) by cashier's check or money order to the Board on or before April 3, 2012 and a second payment of Two Thousand Five Hundred Dollars ($2,500.00) by cashier's check or money order to the Board on or before December 3, 2012 .

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 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 she 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

Jennifer Levitt

Jennifer Levitt

Dated: 1/27, ~~2011~~ 2012

COMPLAINT COMMITTEE

By: Lisa Hanni

Lisa Hanni, LS
Committee Chair

Dated: 3 Feb, 2012

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 3rd day of February, 2012.

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

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

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Jennifer Levitt,
PROFESSIONAL ENGINEER
License Number 43064

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 6th day of FEBRUARY, 2012, 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:

Ms. Jennifer Levitt
585 Landau Drive
Woodbury, Minnesota 55125

CERTIFIED MAIL
Return Receipt Requested
7010 0780 0001 5886 3279

Lynette DuFresne

Subscribed and sworn to before me on
this the 6th day of February, 2012.

(Notary Public)

BEVERLY A. CAREY
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31 2015