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

In the matter of Terry E. Coss
PROFESSIONAL ENGINEER
License Number 20284

STIPULATION AND ORDER

Board File No. 2013-0038

TO: Mr. Terry E. Coss
Xcel Energy
414 Nicollet Mall
Minneapolis, Minnesota 55401

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2012) and Minnesota Statutes section 326.111 (2012) 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 Terry E. Coss ("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 Minnesota Professional Engineer license by the Board on January 30, 1990. 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 January 30, 1990.

b. On June 30, 2012, Respondent's Minnesota Professional Engineer license expired.

c. On November 19, 2012, the Board received the Respondent's Application for license/certificate reinstatement for the licensing period through June 30, 2014. The Board renewed his Minnesota Professional Engineer license on November 19, 2012. At the time of the reinstatement on November 19, 2012, the expiration date was June 30, 2014.

d. Attached to the Application for license/certificate reinstatement received by the Board on November 19, 2012, Respondent submitted a letter signed by him on November 15, 2012. Respondent stated: "Regarding question 4 of the affidavit, since June 30th of 2012 I have not represented myself as a professional engineer as I do not perform that function, however my business cards (printed several years ago) do list that I am a PE. I have provided these business cards to others since June 30, 2012 in the course of ordinary business as a convenient way to exchange contact information, but never as an offer or solicitation to provide PE services or in a context where licensure was relevant."

e. In a letter dated January 11, 2013, Respondent stated: "I would like to reiterate that during the period in question I exchanged cards with other utility industry peers at meetings as a convenient means to exchange contact information, but never to the public and in never the context of an offer or

solicitation to provide services as a Professional Engineer, or in any other context where licensure was relevant."

f. In this same letter dated January 11, 2013, Respondent stated: "During part of the period in question, the auto signature block on my work email account mirrored my business card, identifying me as: Terry Coss, PE, Environmental Director, Xcel Energy."

g. Enclosed with the letter dated January 11, 2013, Respondent provided a copy of his business card. The business card read: "Terry Coss, P.E., Environmental Director."

3. Violations. The Committee's position is that the facts specified above constitute violations of Minnesota Statutes section 326.02, subdivisions 1 and 3, and section 326.03, subdivision 1 (2012) and are sufficient grounds for the action specified below. Specifically, the Committee's position is that Respondent held himself out as a Professional Engineer in Minnesota during the lapse of his Minnesota Professional Engineer license.

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 One Thousand Dollars ($1,000.00). Respondent shall submit a civil penalty of One Thousand Dollars ($1,000.00) 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 (2012), 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 (2012), 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 (2012), 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 (2012). 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 (2012). 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

Terry E. Coss

Dated: May 30, 20 13

SUBSCRIBED and sworn to before me on this the 30 day of May, 20 13.

Aimie L. Mims
(Notary Public)

My Commission Expires:
Aimie L Mims

AIMIE L. MIMS
NOTARY PUBLIC MINNESOTA
MY COMMISSION
EXPIRES JAN. 31, 2015

COMPLAINT COMMITTEE

Bruce Johnson, PG
Committee Chair

Dated: 6/13/13, 20_____

ORDER

Upon consideration of the foregoing Stipulation and Order and based upon all the files, records, and proceedings herein, all terms of the Stipulation and Order are approved and adopted and hereby issued as an Order of this Board this the 27 day of AUGUST, 2013.

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

By: Douglas C. Cooley

Douglas C. Cooley, PE
Board Chair

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Terry E. Coss
PROFESSIONAL ENGINEER
License Number 20284

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 29th day of August, 2013, 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. Terry E. Coss
Xcel Energy
414 Nicollet Mall
Minneapolis, Minnesota 55401

CERTIFIED MAIL
Return Receipt Requested
7012 0470 0000 4959 0097

Lynette DuFresne

Subscribed and sworn to before me on this the 29th day of August, 2013.

Victoria E Oehrlein
(Notary Public)

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