

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

**In the Matter of
Dennis Stanley Nelson, Unlicensed**

**CEASE AND DESIST ORDER
AND
NOTICE OF RIGHT TO HEARING**

Board File No: 2013-0009

**TO: Dennis Stanley Nelson
Nel-Struct
202 Seaver Street
Eau Claire, Wisconsin 54701**

ALLEGATIONS

The Complaint Committee of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board"), having been authorized by Board resolution to issue cease and desist orders on behalf of the Board, alleges as follows:

1. A complaint concerning Dennis Stanley Nelson ("Respondent") has been received and reviewed by the Board's Complaint Committee.
2. Respondent was first licensed as a Professional Engineer in the State of Minnesota on April 21, 1988.
3. Respondent's Professional Engineer license expired on June 30, 2012. Respondent is not eligible to renew his license because: (a) he has not complied with the ethics course requirement in a Stipulation and Order issued by the Board on December 2, 2011 in Board File No. 2011-0014 (copy attached as Exhibit A hereto and incorporated by reference herein), and (b) when Respondent attempted to renew his Minnesota Professional Engineer license online in 2012, in response to a renewal application question about being the subject of any disciplinary actions in the preceding two years, Respondent did not report that he had been disciplined by the Board on

December 2, 2011.

4 As of the date of this Cease and Desist Order and Notice of Right to Hearing, Respondent is not licensed as a Professional Engineer in the State of Minnesota.

5. Respondent held himself out as a Professional Engineer and practiced professional engineering, within the meaning of Minnesota Statutes sections 326.02 to 326.15, without a Minnesota Professional Engineer license, by signing and certifying the following documents on July 20, 2012:

a. Drawing # 1A of 1A for Gopher State Contractors, Job #32235, 340 1st Avenue South East, Rice, Minnesota.

b. Drawing # 1E of 2E for Gopher State Contractors, Job #32235, 340 1st Avenue South East, Rice, Minnesota.

c. Drawing # 2E of 2E for Gopher State Contractors, Job #32235, 340 1st Avenue South East, Rice, Minnesota.

d. Building loads calculations for Gopher State Contractors, Job #32235, 340 1st Avenue South East, Rice, Minnesota.

e. RISA -2 D (R) Version 3.03 report for Gopher State Contractors, Job #32235, 340 1st Avenue South East, Rice, Minnesota.

6. The Board sent an allegation letter to Respondent by certified U.S. Mail on September 11, 2012, alleging that Respondent held himself out as a professional engineer and practiced professional engineering in Minnesota when he signed and certified the documents listed in paragraph 5 above, and requesting a response from Respondent to the allegations. Respondent signed the U.S. Post Office card acknowledging the delivery of this allegation letter on September 13, 2012. Respondent never replied to the allegation letter.

7. The following order is in the public interest.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minnesota Statutes section 326.111, subdivision 3 (2012), that Respondent **Dennis Stanley Nelson** shall **CEASE AND DESIST** from holding himself out as a professional engineer in Minnesota, from practicing professional engineering in Minnesota, and from further violations of Minnesota Statutes sections 326.02 through Minnesota Statutes section 326.15 (2012) until such time as his Minnesota Professional Engineer license is reinstated by the Board.

NOTICE OF RIGHT TO HEARING

Pursuant to Minnesota Statutes section 326.111, subdivision 3 (2012), Respondent may request a hearing in this matter. Such request must be in writing and served upon the Board within thirty (30) days after service of this Order, whereupon a hearing will be held within thirty (30) days after receipt of the request unless Respondent and the Complaint Committee agree that the hearing be scheduled after the thirty-day period. In accordance with Minnesota Statutes section 326.111, subdivision 3 (2012), if no hearing is requested by Respondent within thirty days of service of this Order, this Order will become final and will remain in effect until it is modified or vacated by the Board.

In the event a hearing is scheduled in this matter, it will be held before an administrative law judge of the Office of Administrative Hearings for the State of Minnesota, 600 North Robert Street, Saint Paul, Minnesota, 55101, Telephone: (651) 361-7900. All parties have the right to represent themselves or be represented throughout the proceedings herein by legal counsel or a person of their choice if not otherwise prohibited as the unauthorized practice of law. The hearing will be conducted pursuant to the contested case procedures as prescribed in Minnesota Statutes sections 14.57 to 14.69 (2012), as amended, and the Rules of the Office of Administrative Hearings, Minnesota Rules 1400.5010 to 1400.8401 (2011), as amended. Failure to attend the hearing in this matter after having been duly

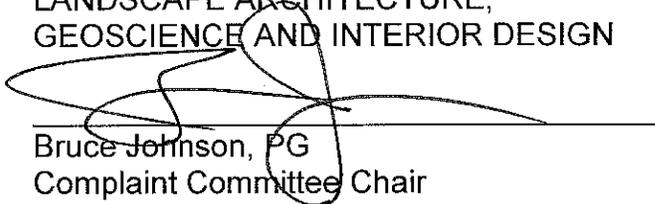
notified may result in a determination that the party failing to attend is in default, the allegations of this Order being taken as true and deemed proved without further evidence, and the proceeding being determined against the party failing to attend. Questions concerning this Order may be directed to Assistant Attorney General Michele M. Owen, 1800 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, Telephone: (651) 757-1322.

Copies of the above-cited statutes and procedural rules are available on-line at www.revisor.leg.state.mn.us or may be purchased from the Minnesota's Bookstore, 660 Olive Street, St. Paul, Minnesota 55155, telephone: (651) 297-3000.

IF YOU NEED A REASONABLE ACCOMMODATION for a disability in order to participate in the hearing process, such an accommodation can be made available upon advance request so that the hearing is accessible. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, including a foreign language interpreter, the Board office must be promptly notified. To arrange an accommodation or an interpreter, you may contact Doreen Frost, Executive Director of the Board, Suite 160, 85 East Seventh Place, St. Paul, Minnesota 55101, or you may call: Voice (651) 296-2388 or TDD (651) 297-5353.

Dated: April 18, 2013

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



Bruce Johnson, PG
Complaint Committee Chair

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

In the matter of Dennis Stanley Nelson
PROFESSIONAL ENGINEER
License Number 19047

STIPULATION AND ORDER

Board File No. 2011-0014

TO: Dennis Stanley Nelson
202 Seaver Street
Eau Claire, Wisconsin 54701

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 Dennis Stanley Nelson ("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

EXHIBIT A

license by the Board on April 21, 1988. 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 April 21, 1988.

b. On July 16, 2010, Respondent signed the Application for License/Certificate Renewal: 7/1/2010 to 6/30/2012. Respondent's license to practice professional engineering in the State of Minnesota was renewed on July 19, 2010. A true and correct copy of the Application for License/Certificate Renewal: 7/1/2010 to 6/30/2012 is attached as Exhibit A.

c. In the same Application for License/Certificate Renewal: 7/1/2010 to 6/30/2012, Exhibit A, Respondent replied to the question asked: "Since your last renewal, have you had a license disciplined, denied, surrendered, suspended or revoked?" by checking the 'Yes' box. Respondent provided a copy of a Decision and Order issued by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects on May 25, 2010. Respondent was to report all disciplinary actions taken against him since July 1, 2008 and June 30, 2010 on the Application for License/Certificate Renewal: 7/1/2010 to 6/30/2012.

d. Respondent falsified or misrepresented information on the renewal application that he affirmed on July 16, 2010 by failing to report that he had been disciplined by the State of Missouri, Settlement Agreement issued on June 15,

2009.

e. Respondent falsified or misrepresented information on the renewal application that he affirmed on July 16, 2010 by failing to report that he had been disciplined by the State of Wisconsin, Order Suspending a License issued on September 11, 2009.

f. Respondent falsified or misrepresented information on the renewal application that he affirmed on July 16, 2010 by failing to report that he had been disciplined by the State of North Carolina, Decision and Order, Case No. V2008-050 issued on November 13, 2009.

g. Respondent's Minnesota Professional Engineering license is current with an expiration date of June 30, 2012.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.111, subdivision 4 (a) (1) and (5) (2010), and Minnesota Rules 1805.0200, subparts 2 and 4 (c) (2009), and are sufficient grounds for the action specified below. Specifically, Respondent falsified or misrepresented information on the renewal application that he affirmed on July 16, 2010, by failing to report three disciplinary actions against him by other states.

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 Five Hundred Dollars (\$1,500.00). Respondent shall submit a civil

penalty of One Thousand Five Hundred Dollars (\$1,500.00) by cashier's check or money order to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.

c. Ethics Course. Within six months (6) of the Board's approval of this Stipulation and Order, Respondent shall successfully complete, and submit acceptable documentation thereof to the Board, two (2) hours of a course(s) in professional ethics, which is/are approved in advance by the Complaint Committee. Completion of any courses for the two (2) hours of professional ethics instruction earned within six months (6) of the Board approval of this Stipulation and Order, that are being submitted for the purpose of fulfilling the professional ethics instruction required by this Order shall not count toward any continuing education requirements in the 2012-2014 renewal period or beyond.

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 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.

RECEIVED
OCT 24 2011

RESPONDENT

Dennis Stanley Nelson
Dennis Stanley Nelson

Dated: October 24, 2011

COMPLAINT COMMITTEE

By: *Lisa Hanni*
Lisa Hanni, LS
Committee Chair

Dated: 11/16, 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 7 day of December, 2011.

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

By: *Lisa M. Hanni*
~~William D. Arockisamy, PE~~ 12/2/2011
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

JUL 19 2010

Application for License/Certificate Renewal: 7/1/2010 – 6/30/2012

ALL licenses and certificates expire on 6/30/2010 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 will be returned. The licensee or certificate holder is responsible for any late fees incurred after 6/30/2010 if an application is returned.

Personal Information:

Name: Dennis Stanley Nelson
 Profession: Engineer
 License/Certificate #: 19047
 Contact Phone #: (715) 836-8794

Public/Mailing Address:

Company Name: NEL-STRUCT, LLC
 (if mailing address is business)
 Address Line 1: 202 SEAVER ST.
 Address Line 2: _____
 City, State, Zip: EAU CLAIRE, WI 54701
 Country: USA

Continuing Education:

Requirement: 24 Professional Development Hours earned on or after July 1, 2008, 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, 2008. (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 7/1/2008 – 6/30/2010: 33 (Whole numbers only)
 Carryover from previous renewal: 12
 Total PDH submitted: 45

Fees and Affidavit - Make checks payable to: MN Board of AELSLAGID (US Funds Only)

If postmarked on/before 6/30/10: **\$132***
 If postmarked on/after 7/1/10: **\$162***
 If postmarked on/after 10/1/10: **\$192***

*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.

Your cancelled check is your receipt. You will receive a new license card in the mail within approximately 2-4 weeks.

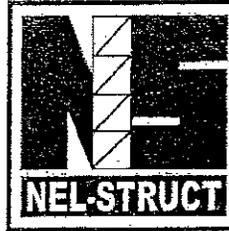
Since your last renewal, have you had a license disciplined, denied, surrendered, suspended or revoked?
 (If yes, provide a statement of explanation.) Yes No

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

Dennis Stanley Nelson
 Signature

7-16-10
 Date

EXHIBIT A



**NELSON STRUCTURAL
ENGINEERING**

2620 STEIN BOULEVARD
EAU CLAIRE, WI 54701
Phone (715) 836-9794
Fax (715) 836-9344



July 16, 2010

To: MN Board

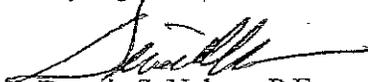
From: Dennis S. Nelson

Re: MO Board Suspension

The request for continuing education hours per audit came at a time when my office was in a transition of locations. It was not a purposeful breach but due to a variety of factors. The current economy had required me to lay off my secretary of 8 ½ years and relocate my office of the same longevity. From Sept. 2009 to Feb. 2010 was just a blur of activity. I'm sure some mail has been lost and some mislocated in this transition period.

I'm not trying to make excuses but letting you know the truth of what I have gone through. My desire is to serve the people of Minnesota in just the same safe and efficient manner as I have in the past 20+ years.

My regards,



Dennis S. Nelson, P.E.

DECISION AND ORDER

THEREFORE, having carefully and fully considered all the evidence presented at the hearing before the Board, and giving full weight to the evidence before it, including the settlement agreement that Nelson violated, imposes the additional discipline as set forth herein.

It is hereby the ORDER of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects that respondent's license shall be suspended for ninety days, and then placed on probation until January 29, 2013, subject to the terms set forth below.

Respondent shall immediately return his license, wall-hanging certificate and embossing seal and/or professional engineer stamp to the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. During his suspension, respondent shall not practice professional engineering in the state of Missouri. However, during the suspension, respondent shall pay all required fees for licensure and keep the Board informed in writing of his current addresses and telephone numbers, both personal and professional.

Following completion of the suspension, Nelson's license to practice professional engineering, E-22489, shall be placed on PROBATION until January 29, 2013. During the probationary period, Nelson shall be entitled to engage in the practice of professional engineering, provided that he adheres to all the following terms and conditions:

- A. During the probationary period, Nelson shall timely renew his license, timely pay all fees required for licensure, and comply with all other Board requirements necessary to maintain his license in a current and active state.
- B. During the probationary period, Nelson shall keep the Board apprised at all times in writing of his current addresses and telephone numbers, both personal

and professional. Nelson shall notify the Board in writing within ten days of any change in this information.

- C. During the probationary period, Nelson shall comply with all provisions of Chapter 327, RSMo (as amended), all rules and regulations of the Board and all federal and state laws, rules and regulations. "State" here includes the State of Missouri and all other states and territories of the United States.
- D. During the probationary period, Nelson shall appear before the Board or one of its representatives for a personal interview upon the Board's request.
- E. During the probationary period, Nelson shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this Order.
- F. Nelson shall submit written reports to the Board no later than January 1, April 1, July 1, and October 1 of each year of the probationary period, stating truthfully whether there has been compliance with all the conditions of this Order. It is Nelson's responsibility to ensure that the reports are submitted by the dates set forth above.
- G. Nelson shall submit to the Board no later than January 1, April 1, July 1, and October 1 of each year of the probationary period, a list of all engineering projects that he has worked on during the preceding three month term. Each project shall be identified by date, client, and a brief description of the project and Nelson's involvement or input. Nelson shall submit copies of any sealed documents and any other relevant information to the Board upon request.
Nelson shall submit all notes, calculations, time records, and any other

documentation used in performing the project to the Board upon request. If no work is completed during the reporting period, Nelson must so advise the Board in writing in the same time-frame and manner as set forth above in this paragraph. It is Nelson's responsibility to ensure that the lists are submitted by the dates set forth above.

In the event the Board determines that Nelson has violated any term or condition of this Order, the Board is entitled to hold an evidentiary hearing, in accordance with the provisions of Chapter 536, RSMo. After the evidentiary hearing, the Board, in its discretion, may vacate and set aside the discipline imposed and may suspend, revoke, or otherwise lawfully discipline Nelson.

If at any time during the probationary period Nelson ceases to provide engineering services in the State of Missouri for longer than three months at a time, ceases to be currently licensed under the provisions of Chapter 327, RSMo, or fails to keep the Board advised of his current place of business and residence, the time of his inactivity, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.

If the Board determines that Nelson has violated a term or condition of this order, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in a determination of appropriate legal actions concerning such violation.

Upon the expiration and successful completion of the disciplinary period, Nelson's license to practice professional engineering shall be fully restored if all other requirements of law

have been satisfied; provided, however, that in the event the Board determines that Nelson has violated any term or condition of this Order, the Board may, in its discretion, after an evidentiary hearing held by the Board, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline Nelson.

This Order replaces the Settlement Agreement of June 9, 2009, referenced in paragraph 6 above.

This Decision and Order shall be maintained as an open and public record of the Board, as provided in Chapters 327, 610 and 324 of the Missouri Revised Statutes.

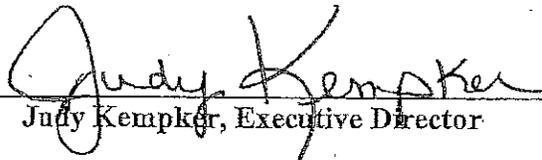
The Board further orders the Executive Director of the Board to direct a copy of this FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DISCIPLINARY ORDER to Respondent. This Order is effective immediately.

SO ORDERED this 25th day of May 2010.



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

By



Judy Kempker, Executive Director

