

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

In the Matter of

**STIPULATION AND
CONSENT ORDER**

Nicole Joy Farrington
Professional Engineer License No. 44650

Board File No. 2023-0026

STIPULATION

Nicole Joy Farrington ("Respondent") and the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design's Complaint Committee stipulate that, subject to Board's review and discretionary approval, the Board may issue a consent order that imposes the following sanctions:

A. Respondent's Professional Engineer license, No. 44650, is CENSURED, and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2022).

B. Respondent shall pay to the Board a civil penalty of Five Thousand Dollars (\$5,000.00). Respondent shall submit a civil penalty of \$5,000.00 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.

C. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. §§ 326.02–.15 (2022) and Minn. R. chs. 1800 & 1805 (2021).

D. Respondent shall report in writing within ten days any and all violations of this stipulation and consent order to the Board's Executive Director.

Respondent and the Committee enter into this stipulation based on the following findings of fact, conclusions of law, and other stipulated provisions:

Findings of Fact

1. The Board issued Respondent a Professional Engineer license on January 13, 2006.
2. Respondent's Minnesota Professional Engineer license expired on July 1, 2022.
3. Respondent renewed her Professional Engineer license on October 12, 2022.
4. Respondent self-reported to the Board that she had practiced professional engineering and used the title "PE" in Minnesota during the time of expiration. Respondent was cooperative and responsive during the Board investigation.
5. Respondent's official title at her company is Senior Engineer II (Manager) and the position required maintaining an applicable license.
6. During the lapse in her license Respondent was listed as the project manager on four projects and the agency coordinator on one project.
 - a. These five projects involved work on highways and roads in Ramsey and Hennepin Counties.
7. Respondent's work on the five projects included but was not limited to:
 - a. Meetings with City and County staff to discuss project details, ongoing design activities, and fieldwork updates.
 - b. Public Outreach Events to share project backgrounds, schedules, and goals.
 - c. Meetings with property owners to discuss project goals and schedules.

- d. Contract negotiations with clients.
 - e. Coordination with internal teams for the design and internal review schedule for deliverables.
8. Respondent was listed as a “PE” in an August 31, 2022, publication for the I-494 Corridor Design Build Project that identified work done on the project including but not limited to weekly meetings with Bloomington, Richfield, Minneapolis, Hennepin County, Metro Transit, FHWA, MnDOT and multiple resource agencies.

Conclusion of Law

- 1. The Board has authority to license and regulate Professional Engineers and to take disciplinary action as appropriate. Minn. Stat. ch. 326 (2022).
- 2. Respondent violated Minn. Stat. § 326.02, subds. 1 and 3 (2022).
- 3. This stipulation and consent order is in the public interest.

Other Stipulated Provisions

- 1. This stipulation and consent order must be approved by the Board to become effective.
- 2. Respondent agrees that the Committee may move the Board *ex parte*, with or without advance notice to the Respondent, to approve this stipulation and consent order. Respondent understands that the Board may either approve the stipulation and consent order or not approve it. This stipulation and the files, records, and proceedings associated with this matter may be reviewed by the Board in its consideration of the Committee’s motion.

3. If approved by the Board, this stipulation and consent order shall be classified as public data. Minn. Stat. § 13.41, subd. 5 (2022). The Board will post a copy of this order on its website. The Board will also send a summary to the national discipline data bank pertaining to the practice of Professional Engineering.

4. If the Board does not approve this stipulation and consent order, then the matter remains unresolved, and the Committee may either seek to negotiate a revised stipulation and consent order with Respondent to present to the Board or issue an order commencing a contested-case hearing before an Administrative Law Judge at the Office of Administrative Hearings. *See* Minn. Stat. §§ 14.57–.62, 214.10, subd. 2 (2022) (describing administrative hearing process).

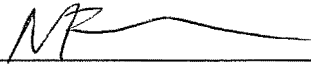
5. Respondent agrees that if this case comes before the Board again after it reviews and discusses this stipulation and consent order, Respondent waives any claim that the Board was prejudiced by its review and discussion of this stipulation and consent order and any records relating to it.

6. Respondent acknowledges that they were advised by the Committee of their right to a contested-case hearing in this matter before an Administrative Law Judge, to file exceptions and make argument to the Board after the hearing, and to seek judicial review from any adverse decision rendered by the Board. Respondent hereby expressly waives those rights. Respondent was further advised by the committee of their right to be represented by counsel and that they knowingly waive that right.

7. Respondent has read, understands, and agrees to this stipulation and has voluntarily signed it. It is expressly understood that this stipulation contains the entire agreement

between the parties, there being no other agreement of any kind, verbal or otherwise. If approved by the Board, a copy of the final stipulation and consent order shall be served personally or by first class mail on Respondent. The Board's order shall be effective when it is signed by the Chair of the Board or the Chair's designee.

8. Pursuant to Minn. Stat. § 16D.13 (2022), any civil penalty imposed by this stipulation and consent order shall begin to accrue simple interest in accordance with that section thirty days after the civil penalty is due. Pursuant to Minn. Stat. § 16D.17 (2022), thirty days after any civil penalty imposed by this stipulation and consent order is due, the Board may file and enforce any unpaid portion of the civil penalty as a judgment against Respondent in district court without further notice or additional proceedings.



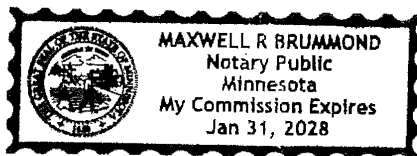
Nicole Joy Farrington, PE

STATE OF Minnesota

COUNTY OF Ramsey

This instrument was acknowledged before me on 05/12/2023 by Nicole Joy Farrington.

(stamp)





(Signature of notary officer)

My commission expires: Jan 31, 2028

COMPLAINT COMMITTEE



Eric Friske, JD
Chair

Dated: June 13, 2023

CONSENT ORDER

Upon consideration of this stipulation and consent order, and based upon all the files, records, and proceedings herein, all terms of the stipulation and consent order are approved.

Accordingly, the Board orders as follows:

A. Respondent's Professional Engineer license, No. 44650, is CENSURED, and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2022).

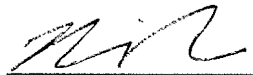
B. Respondent shall pay to the Board a civil penalty of Five Thousand Dollars (\$5,000.00). Respondent shall submit a civil penalty of \$5,000.00 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.

C. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. §§ 326.02–.15 (2022) and Minn. R. chs. 1800 & 1805 (2021).

D. Respondent shall report in writing within ten days any and all violations of this stipulation and consent order to the Board's Executive Director.

Dated: July 25, 2023

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



MELISA RODRIGUEZ, PE
Board Chair