

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

In the Matter of

**STIPULATION AND
CONSENT ORDER**

Nicholas Christopher Jackson
Professional Engineer License No. 58531

Board File No. 2023-0036

STIPULATION

Nicholas Christopher Jackson ("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 Engineering license, No. 58531, is CENSURED, and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2022).
- B. Respondent shall pay to the Board a civil penalty of Two Thousand Dollars (\$2,000). Respondent shall submit a civil penalty of \$2,000 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 November 4, 2020.
2. Respondent's Professional Engineer license expired on July 1, 2022.
3. During his lapse in Minnesota licensure Respondent's company website stated that the Respondent was an "engineer" and had earned his Professional Engineer license.
4. Respondent's official title at the company is Engineer – Civil Site, Traffic, Transportation, Water. According to the official position description provided to the Board by Respondent, a Professional Engineer license is required.
5. Respondent came into the Board office on December 15, 2022, with questions about renewing his expired Professional Engineer license. Respondent stated that he works at an engineering firm where his position at the company does not require him to sign plans. However, he stated he had continued to use "PE" in his email signature since his license lapsed.
6. Board staff provided Respondent with the paper renewal form and Tennessee Warning to review while he was at the Board office. Respondent was advised he could renew online if he could answer "True" to the certification questions, if there was a False answer it would prompt a paper renewal.
7. Respondent's Minnesota Professional Engineer license was renewed on December 16, 2022.

8. Respondent provided a response to the Committee's allegation letter on February 9, 2023.
 - a. In his response, Respondent listed professional engineering projects he worked on as staff engineer during the lapse of licensure but was not the engineer on record.
 - b. Respondent's primary projects were for two for MnDOT and one for Dakota County.
 - c. Respondent provided a copy of Respondent's email signature. The signature included "PE" after Respondent's name, as well as a Minnesota address.
9. Respondent provided false statements to the Board by answering "True" to the following certification statements in his license renewal application received by the Board on December 15, 2022.
 - a. "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 certification has been issued by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design;" and
 - b. "I have not performed or offered to perform architectural, professional 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.”

Conclusion of Law

1. The Board has authority to license and regulate Professional Engineers and to take disciplinary action as appropriate. Minn. Stat. ch. 326.111 (2022).
2. Respondent violated Minn. Stat. §§ 326.02, subds. 1 and 3 (2022), and Minnesota Rules 1805.0200, subps 2 and 4(C) (2021).
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).

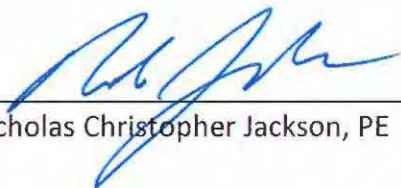
5. Respondent agrees that if this case comes before the Board again after it reviews and discusses this stipulation and consent order, Respondent waives any claim that the Board was prejudiced by its review and discussion of this stipulation and consent order and any records relating to it.

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.



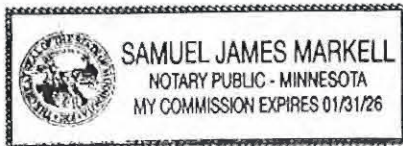
Nicholas Christopher Jackson, PE

STATE OF Minnesota

COUNTY OF Ramsey

This instrument was acknowledged before me on September 25, 2023 by Nicholas Jackson.

(stamp)





(Signature of notary officer)

My commission expires: 01/31/26

COMPLAINT COMMITTEE



ERIC FRISKE, JD
Chair

Dated: October 31, 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 hereby ADOPTS the stipulation and issues the ORDER described above.

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

Dated: 11/30, 2023


FOR MELISA RODRIGUEZ PE
Board Chair

DANIEL KELSEY
BOARD VICE CHAIR