

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

007E
JUL 09 2010

In the Matter of
James Lee Nelson,
PROFESSIONAL ENGINEER
License Number 41162

SETTLEMENT AGREEMENT
AND
CEASE AND DESIST ORDER

Board File No. 2010-0012

TO: Mr. James Lee Nelson
Nelson Engineering Construction
2610 Dakota Avenue
South Sioux City, Nebraska 68776

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2008) and Minnesota Statutes section 326.111 (2008) to review complaints concerning the unauthorized practice of architecture, professional engineering, land surveying, landscape architecture, geoscience and interior design, and to take action pursuant to those statutes whenever appropriate.

The Board received a complaint concerning James Lee Nelson ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that the matter may now be resolved by this Settlement Agreement and Cease and Desist Order.

SETTLEMENT AGREEMENT

IT IS HEREBY AGREED by and between Respondent and the Committee as

follows:

1. Jurisdiction. Pursuant to Minnesota Statutes section 326.111, subdivision 3 (2008), the Board is authorized to issue an order requiring an unlicensed person to cease and desist from practicing architecture in the State of Minnesota. Respondent is subject to the jurisdiction of the Board with respect to the matters referred to in this Settlement Agreement and Cease and Desist Order.
2. Facts. This Settlement Agreement is based upon the following facts:
 - a. Respondent is not currently and never has been licensed by the Board as an architect in the State of Minnesota.
 - b. Respondent was first licensed to practice professional engineering in the State of Minnesota on June 11, 2001.
 - c. Respondent's professional engineering license is current, with an expiration date of June 30, 2010.
 - d. In a letter dated October 20, 2009, Respondent states: "You have the drawings that I signed and certified for the Frito Lay warehouse in Mankato. Copies of these were sent to me in your letter of September 17, 2009. I have enclosed a copy for your further information. Please note on the cover sheet the sheets covered by my seal." A true and correct copy of October 20, 2009 letter is attached as Exhibit A. A true and correct copy of the drawings sent with the October 20, 2009 letter is attached as Exhibit B.
 - e. Respondent prepared, signed and certified the drawings identified as A1.0 and A1.1 for the Fritolay Warehouse, Mankato, Minnesota project, dated

August 10, 2009. A true and correct copy of the drawings identified as A1.0 and A1.1 for the Fritolay Warehouse, Mankato, Minnesota project, dated August 10, 2009 is attached as Exhibit B.

f. Respondent's preparation of the drawings identified as A1.0 and A1.1 for the Fritolay Warehouse Mankato, Minnesota project, dated August 10, 2009, constitute the unlicensed practice of architecture.

g. In a letter dated September 22, 2009, Respondent states: "3. When the City of Mankato refused to honor my architectural engineering license we contracted with Brunton Architects of 300 St Andrews Drive, Suite 210, Mankato, MN 56001 to conform the plans to local specs. Their direction is exactly that—do what is necessary to conform the plans to local rules." and "6. When the City of Mankato refused to honor my license we hired the firm of Brunton Architects of Mankato. The owner is Cory Brunton and I do not have his license number. I can only assume that he is licensed." A true and correct copy of the letter dated September 22, 2009 is attached as Exhibit C.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.02, subdivisions 1 and 2 (2008) and are sufficient grounds for the action specified below.

4. Enforcement Action. Respondent and the Committee agree that the Board may issue an Order in accordance with the following terms:

a. Cease and Desist Order. Respondent shall cease and desist from practicing architecture in Minnesota, and from further violations of Minnesota Statutes

sections 326.02 through 326.15 (2008) until such time as he becomes licensed as an architect in the State of Minnesota.

b. Civil Penalty. Respondent shall pay a civil penalty of One Thousand Dollars (\$1,000.00) to the Board. Respondent shall submit a cashier's check or money order for One Thousand Dollars (\$1,000.00) to the Board within sixty (60) days of the date of the Board Order approving this Settlement Agreement and Cease and Desist Order.

5. Judicial Relief. If the Respondent violates paragraph 4 above, a district court of this state may, upon application of the Committee, enter an Order enjoining Respondent from such unauthorized practices, ordering Respondent to show cause why the required civil penalty has not been paid, and granting the Board its costs, reasonable attorney fees, and other appropriate relief.

6. Waiver of Respondent's Rights. For the purpose of this Settlement Agreement, 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 and to dispute the appropriateness of discipline in a contested case proceeding pursuant to Minnesota Statutes Chapter 14 (2008). Respondent agrees that upon the application of the Committee without notice to or an appearance by Respondent, the Board may issue an Order requiring the action specified in paragraph 4 herein. Respondent waives the right to any judicial review of this Settlement Agreement and Cease and Desist Order or the attached Board Order by

appeal, writ or certiorari, or otherwise.

7. Collection. In accordance with Minnesota Statutes section 16D.17 (2008), 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 Settlement Agreement and Cease and Desist Order. In the event the Board in its discretion does not approve this Settlement Agreement and Cease and Desist Order, this Settlement Agreement shall be null and void and shall not be used for any purpose by either party hereto. If this Settlement Agreement is not approved and a contested case proceeding is initiated pursuant to Minnesota Statutes Chapter 14 (2008), Respondent agrees not to object to the Board's initiation of the proceeding and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this Settlement Agreement and the record.

9. Record. The Settlement Agreement, 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 Settlement Agreement.

10. Data Classification. Under the Minnesota Government Data Practices Act, this Settlement Agreement and Cease and Desist Order is classified as public data upon its issuance by the Board, Minnesota Statutes section 13.41, subdivision 5 (2008). 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 (2008). They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. A summary of this Settlement Agreement and Cease and Desist 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 architecture.

11. 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 Settlement Agreement and which is not directly related to the specific facts and circumstances set forth herein.

12. Entire Agreement. Respondent has read, understood, and agrees to this Settlement Agreement and Cease and Desist Order and is freely and voluntarily signing it. The Settlement Agreement and Cease and Desist Order contains the entire agreement between the parties. Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

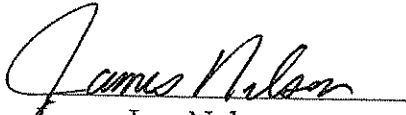
13. Counsel. Respondent is aware that he may choose to be represented by legal counsel in this matter. Respondent knowingly waived legal representation.

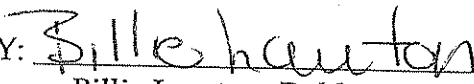
14. Service. If approved by the Board, a copy of this Settlement Agreement and Cease and Desist Order shall be served personally or by first class mail on Respondent. The Settlement Agreement shall be effective and deemed issued when it is

signed by the Chair of the Board.

RESPONDENT

COMPLAINT COMMITTEE


James Lee Nelson

BY: 
Billie Lawton, Public Member
Complaint Committee Chair

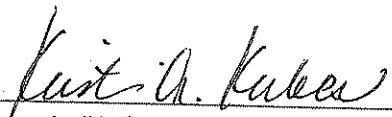
Dated: July 7, 2010, 2010

Dated: 7-21, 2010

ORDER

Upon consideration of the foregoing Settlement Agreement and based upon all the files, records and proceedings herein, all terms of the Settlement Agreement are approved and hereby issued as an Order of this Board on this the 22 day of July, 2010.

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

By: 
Kristine A. Kubes, J. D.
Board Chair

**NELSON ENGINEERING
CONSTRUCTION**

OCT 23 2009

P.O. Box 86
South Sioux City, Nebraska 68776
(402) 494-6927
(402) 494-6068 Fax

October 20, 2009

Lynette DuFresne
Minnesota Board of Architecture, Engineering, Land surveying, Landscape Architecture, Geoscience &
Interior Design
85 E 7th Place Suite 160
St Paul, Minnesota 55101

Re: James Nelson File No. 2010-0012

Dear Lynette:

This letter is in answer to your letter of October 15, 2009.

You have the drawings that I signed and certified for the Frito Lay warehouse in Mankato. Copies of these were sent to me in your letter of September 17, 2009. I have enclosed a copy for your further information. Please note on the cover sheet the sheets covered by my seal.

I did not sign or certify the electrical plan dated 8/24/2009 or any other electrical plan for this project. Although this sheet has a blank labeled "Engineered by" there was no engineering involved. As I pointed out in my letter of September 22, 2009 these plans were for the use of design/build electrical companies and are an indication of where the tenant wants light fixtures and where they need to be switched. It is my responsibility as the coordinating professional to do exactly that. As your letter of September 17, 2009 pointed out, Minnesota Statute section 326.02 (2006) subdivision 3 (2006) defines engineering as "application of the principals of mathematics and applied engineering sciences etc." Obviously there are no "mathematics and applied engineering sciences" required for this drawing. There is no conductor sizing, no panel specifications, no fixture selection, no circuiting and no specifications of any kind. It is an outline of what is expected from the design professional selected by the successful electrical contractor on this project.

The drawing E1.0 was prepared by a draftsman under my personal supervision.

The drawings were submitted to the City of Mankato by James Lindgren who is a project manager employee of mine.

I can recall no other project that I have done in Minnesota.

Nelson Engineering Construction, Inc.



James Nelson PE
President

EXHIBIT A

called geoscientist), or certified interior designer, unless such person is qualified by licensure or certification under Minnesota Statutes section 326.02 (2006) to Minnesota Statutes section 326.15 (2006). This subdivision does not preclude an individual who retired from one of the professions listed in this subdivision from using the designation architect, professional engineer, land surveyor, landscape architect, professional geoscientist, or certified interior designer as long as the designation is preceded by the word "retired" and the individual was licensed or certified in the designated profession in the state of Minnesota on the date the individual retired from the designated profession and the individual's license or certification was not subsequently revoked by the board of architecture, engineering, land surveying, landscape architecture, geoscience, and interior design.

Minnesota Statutes section 326.02, subdivision 2 (2006), Practice of architecture, provides:

Any person shall be deemed to be practicing architecture, within the meaning of Minnesota Statutes section 326.02 (2006) to Minnesota Statutes section 326.15 (2006), who holds out as being able to perform or who does perform any professional service, such as planning, design, or supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any private or public buildings, structures or projects, or the equipment or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of the art and science of construction based upon the principles of mathematics, aesthetics, and the physical sciences, acquired by education or training, and by experience. For the purposes of this subdivision "supervision" is a professional service as distinguished from superintending of construction and means the performance or the supervision thereof, of reasonable and ordinary on the site observations to determine that the construction is in substantial compliance with the approved drawings, plans and specifications.

Minnesota Statutes section 326.02, subdivision 3 (2006), Practice of professional engineering, provides:

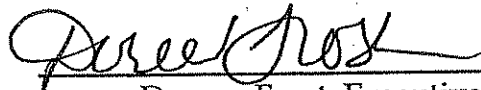
Any person shall be deemed to be practicing professional engineering within the meaning of Minnesota Statutes section

326.02 (2006) to Minnesota Statutes section 326.15 (2006) who holds out as being able to perform or who does perform any technical professional service, such as planning, design or observation of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private structures, buildings, utilities, machines, equipment, processes, works, or projects wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such professional service requires the application of the principles of mathematics and the physical and applied engineering sciences, acquired by education or training, and by experience.

Minnesota Rules 1800.4200 Certification and Signature on Plans, provides:

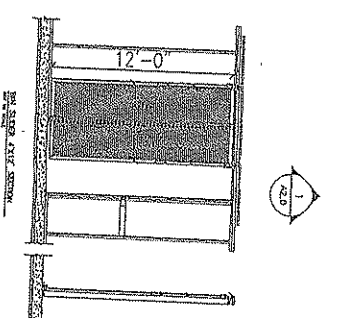
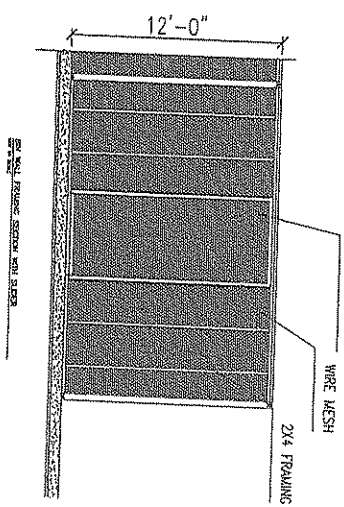
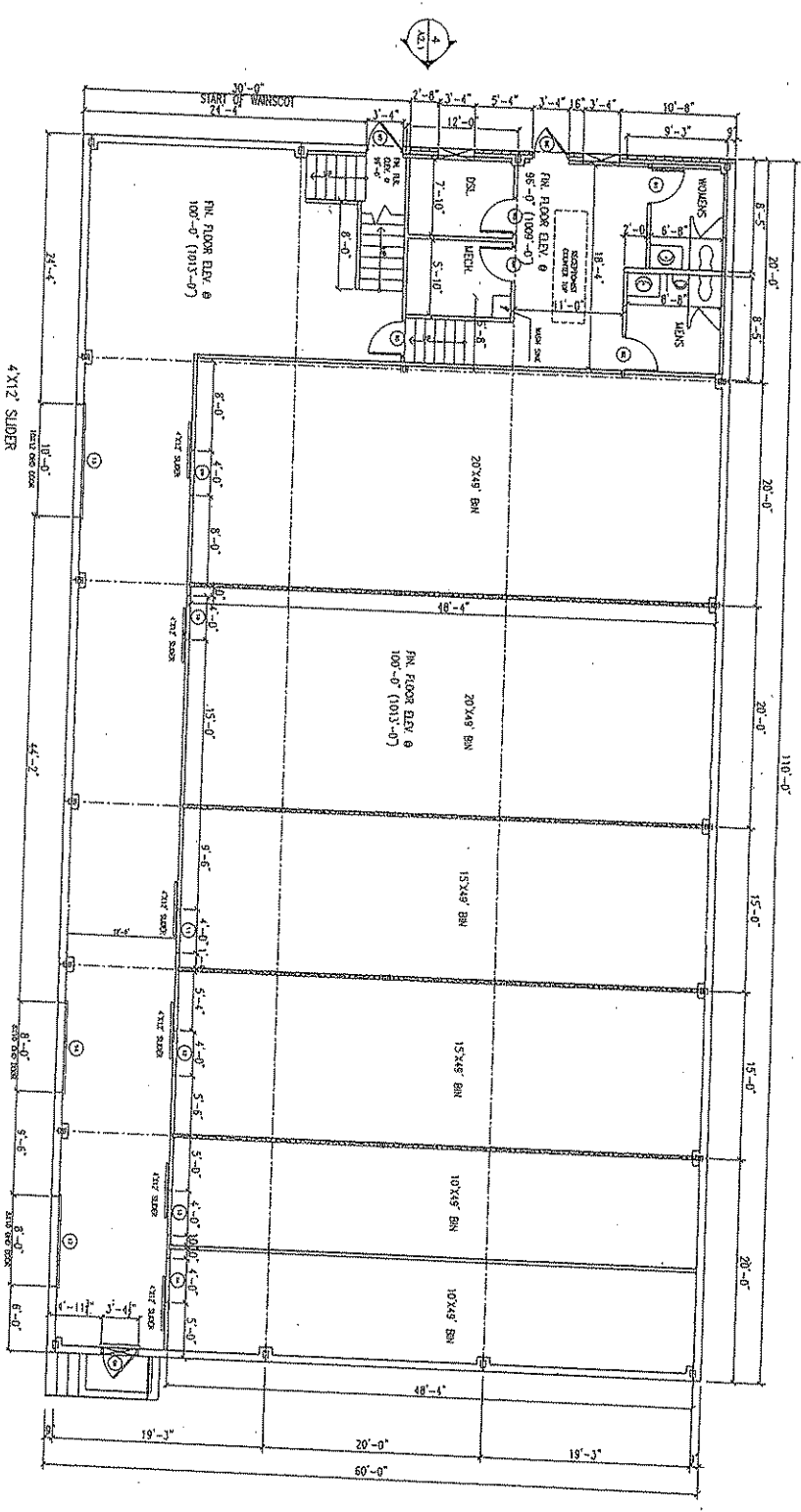
Subpart 3. C. A professional engineer may engage in practice in any branch of engineering; provided, however, that a professional engineer who certifies and signs plans, specifications, or other documents may be required to establish, to the satisfaction of the board, that the work was performed according to recognized and acceptable standards and practice.

Minnesota Board of Architecture, Engineering,
Land Surveying, Landscape Architecture,
Geoscience, and Interior Design



Doreen Frost, Executive Director

September 15, 2009



8000 leads to be arranged by owner (11/12) or otherwise with owner's consent (12/12/13)
 K. Robinson & Co. Inc. (12/13)

Professional Engineer
 License No. 11111
 State of Minnesota
 Date: 11/11/11

A1.0
 FLOOR PLAN

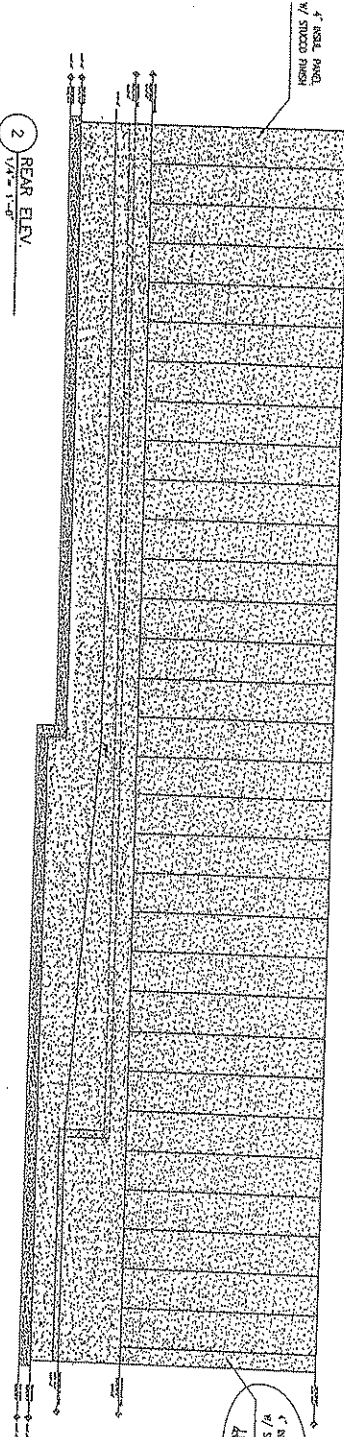
**FRITOLAY MANKATO, MN
 MAIN FLOOR PLAN**

DATE	BY	CHECKED	APPROVED
01/20/2009	J. NELSON	J. NELSON	M. PERPENT

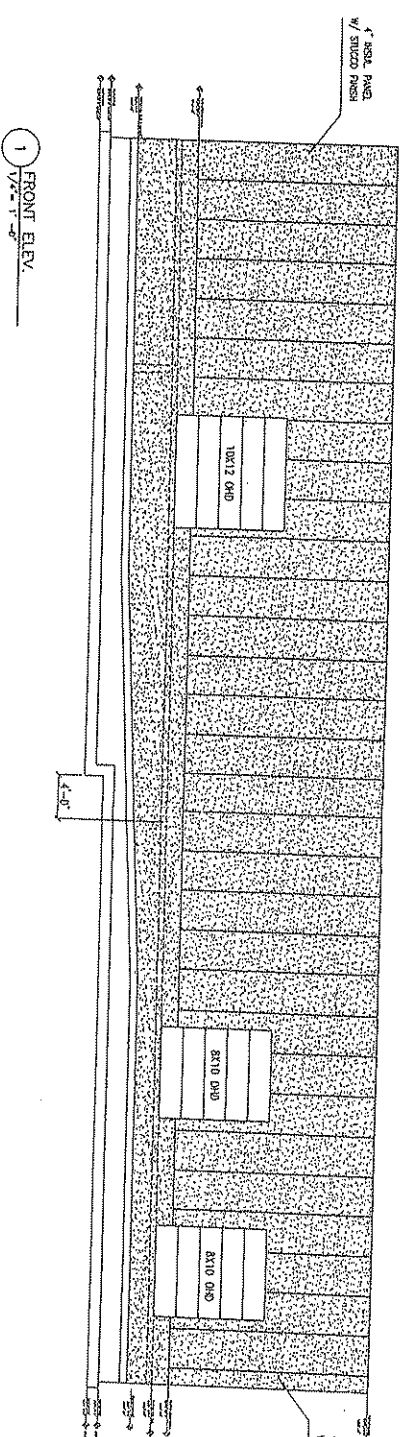
NO.	DATE	REVISIONS
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

NOSEAN ENGINEERING CONSTRUCTION
 2110 Dakota Ave.
 South West City, MN. 55176
 952-536-1111
 702-101-1111

THIS DRAWING IS THE PROPERTY OF NOSEAN ENGINEERING CONSTRUCTION. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NOSEAN ENGINEERING CONSTRUCTION IS NOT RESPONSIBLE FOR ANY CONSTRUCTION COSTS OR DELAYS CAUSED BY PERMITS OR OTHERS. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE COSTS OF SUCH PERMITS AND FOR THE COSTS OF ANY DELAYS CAUSED BY PERMITS OR OTHERS. NOSEAN ENGINEERING CONSTRUCTION IS NOT RESPONSIBLE FOR ANY CONSTRUCTION COSTS OR DELAYS CAUSED BY PERMITS OR OTHERS.



2 REAR ELEV.
1/4" = 1'-0"



1 FRONT ELEV.
1/4" = 1'-0"

1" INSUL. PANEL
W/ STUCCO FINISH

1" INSUL. PANEL
W/ STUCCO FINISH

Professional Engineer
State of Minnesota
No. 14, 018

A2.0



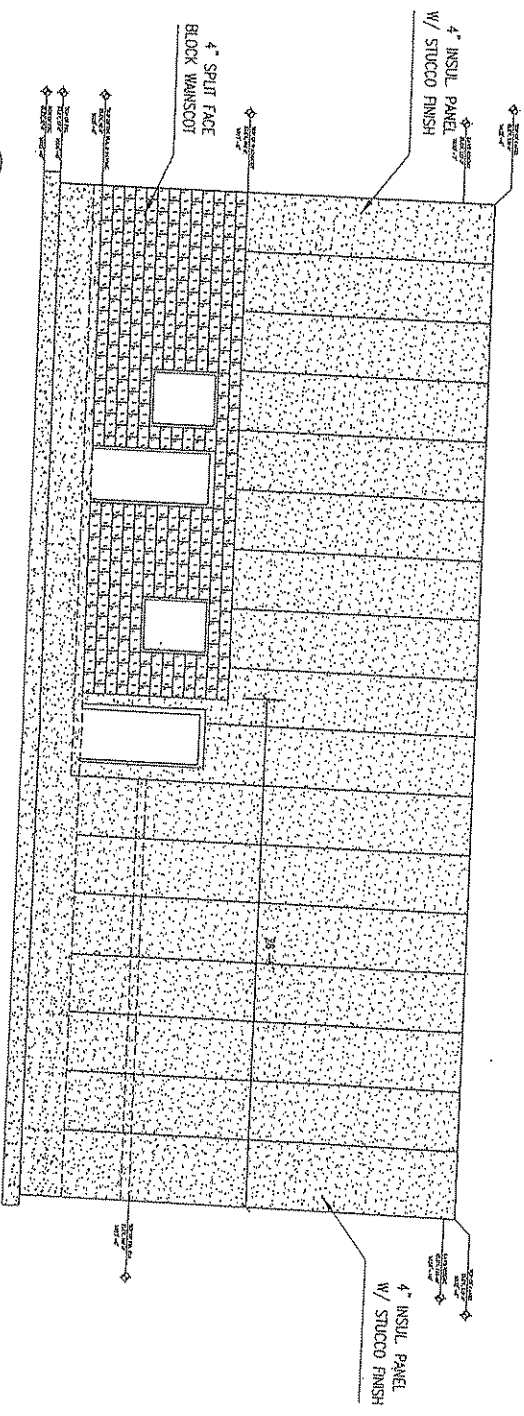
PROJECT: FRITOLAY WAREHOUSE
MANKATO, MN
ELEVATIONS
DATE: AS NOTED
DRAWN BY: J. HELSON
CHECKED BY: H. APPERT

NO.	DATE	BY	REVISION

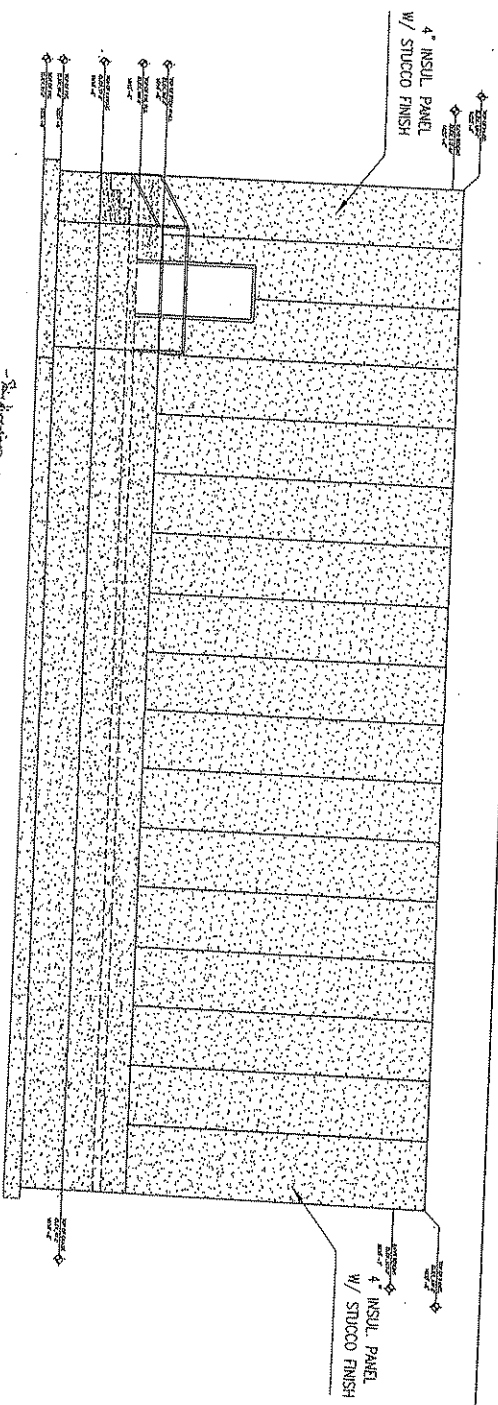
NOSEN ENGINEERING
CONSTRUCTION
© JULY, P. 2009
3142 South Ave.
St. Paul, MN 55108, MN, USA
TEL: (612) 814-1111
FAX: (612) 814-1111

THIS DRAWING & THE DESIGN IT COVERS ARE THE EXCLUSIVE PROPERTY OF NOSEN ENGINEERING CONSTRUCTION OF MINNESOTA. THEY ARE LOANED ONLY ON THE EMPLOYEE'S LOCALITY ADDRESS. THIS DRAWING WILL NOT BE REPRODUCED, COPIED, OR USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF NOSEN ENGINEERING CONSTRUCTION OF MINNESOTA BY THE ARCHITECT OR HIS AGENT.

4
3/8" = 1'-0"
LEFT SIDE ELEV.



3
3/8" = 1'-0"
RIGHT SIDE ELEV.
-Facing 123rd St by W. Hill St.



Professional Engineer
M. A. 0122

A2.1

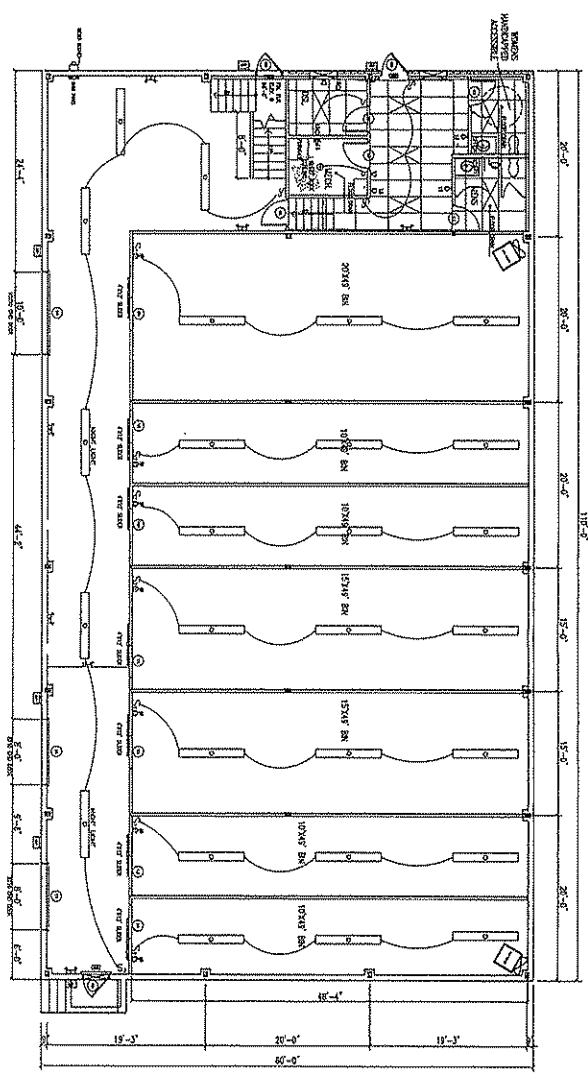


FRITOLAY WAREHOUSE
MANKATO, MN
ELEVATIONS
DATE: 10/20/88
DRAWN BY: J. NELSON
CHECKED BY: R. SPEIGHT
AS NOTED

REV.	DATE	REVISION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

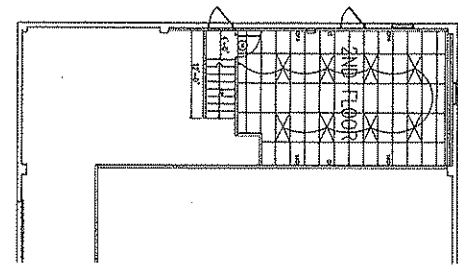
NELSON ENGINEERING
CONSTRUCTION
6002 N. WENTZ
1510 15th Ave. S.
Mankato, MN 56001
TEL: (507) 433-1111
FAX: (507) 433-1112

THIS DRAWING IS THE PROPERTY OF NELSON ENGINEERING CONSTRUCTION. IT IS TO BE USED ONLY ON THE PROJECT AND AT THE LOCATION SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR REPRODUCTION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF NELSON ENGINEERING CONSTRUCTION IS STRICTLY PROHIBITED.



- LEGEND:**
- St 15 MIN. TRIPED SWITCH
 - ⊕ SINGLE SWITCH
 - ⊕ RECEPTACLE QUAD
 - ⊕ OUTLET SET @ HT AS NOTED
 - ⊕ WALL PAK LIGHT
 - ⊕ PHONE JACK
 - ⊕ LIGHT

- LEGEND:**
- ⊕ EMERGENCY LIGHTS
 - ⊕ EXIT SIGN
 - ⊕ 1X8 FLUORESCENT LIGHT
 - ⊕ 2X4 FLUORESCENT LIGHT
 - ⊕ 200 AMP ELECTRICAL PANEL
 - ⊕ RESTER SOCKET



E1.0

DATE: 11/11/09

PROJECT: FRILOLAY MANKATO

DESCRIPTION: ELECTRICAL PLAN

REVISIONS:

NO.	DATE	DESCRIPTION
1	11/11/09	ISSUED FOR PERMIT

**FRILOLAY MANKATO
ELECTRICAL PLAN**

DATE: 11/11/09

PROJECT: FRILOLAY MANKATO

DESCRIPTION: ELECTRICAL PLAN

DESIGNED BY: J. NELSON

CHECKED BY: H. SPEIGHT

NO.	DATE	REVISIONS
1	11/11/09	ISSUED FOR PERMIT

NELSON ENGINEERING CONSTRUCTION

2110 Oakdale Ave.
South Park City, IA 52776

TEL: (562) 494-8822
FAX: (562) 494-8084

THIS DRAWING & THE DESIGN IS CONSIDERED THE SOLE PROPERTY OF NELSON ENGINEERING CONSTRUCTION. IT IS TO BE USED ONLY BY THE ABOVE-NAMED ENGINEER OR ARCHITECT. NO PART OF THIS DRAWING IS TO BE REPRODUCED, COPIED, LOANED, RENTED, OR OTHERWISE USED WITHOUT THE WRITTEN PERMISSION OF NELSON ENGINEERING CONSTRUCTION. ANY VIOLATION OF THIS AGREEMENT SHALL BE CONSIDERED A BREACH OF CONTRACT AND SUBJECT TO THE PENALTIES THEREOF.

P.O. Box 86
South Sioux City, Nebraska 68776
(402) 494-6927
(402) 494-6068 Fax

September 22, 2009

Lynette DuFresne
Minnesota Board of Architecture, Engineering, Land surveying, Landscape Architecture, Geoscience &
interior Design
85 E 7th Place Suite 160
St Paul, Minnesota 55101

Re: James Nelson File No. 210-0012

Dear Lynette

I graduated in Civil Engineering with a structural emphasis from Iowa State University in 1963. I obtained my license in Architectural Engineering in April of 1970 and have been designing, building, and certifying plans since that time. I have designed and built literally hundreds of industrial projects with total value in the hundreds of millions of dollars in Iowa, Nebraska, and South Dakota. A partial listing of some of the recent ones is available on our website of Nelsonec.com.

My license in Iowa, which is the basis for the license by comininity in Minnesota, is in Architectural Engineering. At the time it was issued it allowed for the practice of all of the disciplines to my level of expertise mentioned in your letter except for electrical. I specifically tested in the Architectural Engineering field because I knew what I was going to do and Architectural Engineering included exactly what I wanted to do and have been doing for the last forty years. It has never been questioned before in any jurisdiction including such cities as Omaha, Nebraska, Sioux City, Iowa, Cedar Rapids Iowa, the state agencies of Nebraska, and a host of other towns throughout the Midwest. The ability to cover these various related parts of a project to my level of expertise is especially important on smaller projects such as the one in question because the coordination between the various disciplines is many times greater than doing the actual work.

The Frito Lay building in question is a six thousand square foot warehouse. My firm designed/ built and will own it as well as five similar warehouses for Frito Lay in Iowa, Nebraska, and South Dakota already completed. We also designed/ built and lease approximately four hundred and fifty thousand square feet of warehouses for other customers. I did all of the structural, civil, and architectural engineering work on each of them. I am not and do not claim to be an architect. I never do work on projects to be built by others but only by my own firm. My design work is limited to industrial projects. It has never been the opinion of other building officials that there has been any pure architectural work on the projects but it all falls under the bailiwick of Architectural Engineering. I have and consult the latest codes and references. All projects that I design are intended to be entirely compliant with all codes and ordinances. I do deal in many jurisdictions and all have their own idiosyncrasies and quirks. It is

EXHIBIT C

especially disconcerting to me that the rules for my profession as I and many others have practiced it are apparently changing.

I did not stamp the electrical plans on this project and I am not qualified to do so. I did draw the lighting layout dictated by Frito Lay and listed the service size that they requested. I did no specifications or circuiting, conductor sizing or any of the other things required for an electrical design. It has always been my understanding that this type of work is the responsibility of the coordinating professional which I have been on these projects. The electrical layout was included in our plans and given to electrical contractors with the instructions to get all professional designs and permits necessary to build this project. The electrical contractor will provide properly designed and stamped plans for the project which is and always has been the intent.

The City of Mankato is apparently unaware of the discipline of Architectural Engineering as I and many others have been practicing it. When our permit application was questioned we hired the Architectural firm of Brunton Architects, 300 St Andrews Drive, Mankato , MN 56001 (Cory Brunton) to conform the plans to local requirements.

Detailed answers to your questions are as follows:

1. We have no marketing materials other than our website. Our work is obtained from referrals and word of mouth. Most of our customers are repeat clients that we have worked for many times. (such as Frito Lay) Our website is Nelsonec.com. A copy of our letterhead and my business card is enclosed.
2. My duties on the Frito Lay project are to coordinate with the tenant, obtain financing, buy the land, layout the building, and do the limited civil, structural, and architectural engineering up to my level of expertise on this project. (this is the sixth one for Frito Lay) I also supervised the project manager that hired the construction subcontractors and outside consultants for the project. I have the sole responsibility to Frito Lay to provide them with their desired end product at a price they can afford and meet all local codes. The building is a pre-engineered building with light loads and no unusual requirements other than the elevations at the dock doors.
3. When the City of Mankato refused to honor my architectural engineering license we contracted with Brunton Architects of 300 St Andrews Drive, Suite 210, Mankato, MN 56001 to conform the plans to local specs. Their direction is exactly that--do what is necessary to conform the plans to local rules.
4. I graduated in Civil Engineering from Iowa State University in 1963. I had special emphasis on structural engineering. After my tour of military service I worked with a design build firm for eleven years under the supervision of several different engineers.
I tested for and obtained my license in Architectural Engineering in 1970. A considerable part of this test was structural engineering. Another part of it was to lay out a typical structure and design a typical bay. I had to draw a site plan. Just like I do today!!!
I have had my own construction company for thirty three years. During that period I have designed and built hundreds of projects. We do industrial work almost exclusively. Our

construction volume last year was nearly \$85,000,000 with about \$15,000,000 in design /build projects.


I am licensed in Iowa, Nebraska, South Dakota, and Minnesota. Most of my work has been in Nebraska and South Dakota. All licenses are current and I have never had a complaint of any kind before. Our website (nelsonec.com) shows several significant projects that we have completed in the last few years. I did the structural, civil, and architectural engineering work on all of them. I could give you a list of many more projects but these should give you an idea. I do work only to the extent of my expertise and hire outside consultants to do anything beyond that.

5. I do no Architectural work as I have no talent, experience, license or education to do so. I am an architectural engineer and that is exactly what I have been educated in, tested for, licensed in, and have been doing for over forty years.
6. When the City of Mankato refused to honor my license we hired the firm of Brunton Architects of Mankato. The owner is Cory Brunton and I do not have his license number. I can only assume that he is licensed.
7. I am a professional engineer with expertise in the civil, structural, and architectural engineering required on this project. The job is the ultimate in simplicity with only the design of the foundations for a light pre-engineered building required. The civil engineering consists of getting the grades correct to have storm water flow to the city drainage ditch and the layout of an elementary parking lot. The building warehouse was not designed to handicapped standards at the owner's request. He wants the warehouse to be available only to the route drivers from Frito Lay. (Chips and nuts disappear too easily!)

These drivers must have the capacity to load and unload trucks, drive the trucks, get in and out of them and deliver product to multiple clients and stores throughout the day. Other jurisdictions have all recognized that fact and have not required handicapped access to the warehouse floor. Common sense can work! The interior was dictated by the tenant with little latitude for modification. It was and still is my belief that I am licensed to perform this work and my forty plus years of experience on HUNDREDS of projects in multiple jurisdictions in large metropolitan areas throughout my trade territory should confirm that. I did no electrical design work or certify electrical drawings and am not qualified to do so. I am qualified as the coordinating professional to set the requirements to the electrical engineer that will do that work.

Please advise if you need any further information

Nelson Engineering



James Nelson PE

President

IOWA STATE UNIVERSITY
SCHOOL OF SCIENCE AND TECHNOLOGY

hereby confers upon

James Lee Nelson

the degree
Bachelor of Science

with all the Honors and Distinctions belonging to this Degree in consideration
of the satisfactory completion of the Course of Study prescribed in
Civil Engineering

Given at Ames, Iowa, on the twentieth day of July, in the
year of our Lord one thousand nine hundred and sixty-three.

Amos H. Hyman
President of the State Board of Regents



James M. ...
President of the Authority

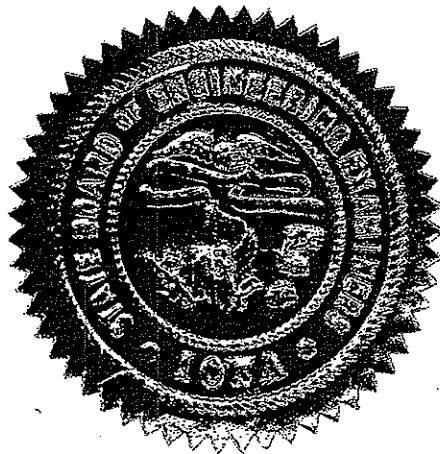
THE IOWA STATE BOARD OF ENGINEERING EXAMINERS

CERTIFIES JAMES L. NELSON

TO HAVE BEEN DULY REGISTERED, HAVING DEMONSTRATED HIS PROFESSIONAL QUALIFICATIONS, AND HE IS HEREBY LICENSED TO PRACTICE, IN THE STATE OF IOWA, AS A

PROFESSIONAL ENGINEER

HE WAS EXAMINED IN THE ARCHITECTURAL FIELD OF PRACTICE
ISSUED AT DES MOINES
THIS SEVENTEENTH DAY OF APRIL, 1970.



Burton W. Black

Chairman

J. L. Nelson

Secretary

James L. Nelson

Applicant

CERTIFICATE NUMBER 6355

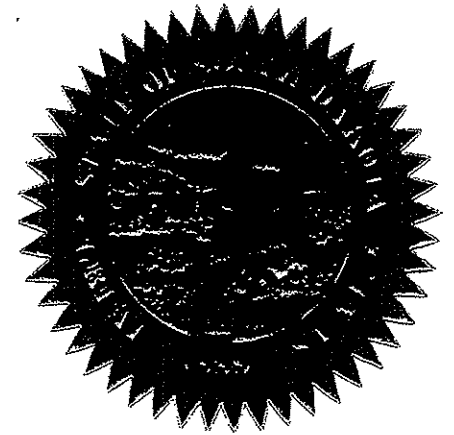
State of South Dakota
Board of Technical Professions

By virtue of authority vested by law, and after due consideration, does hereby certify that

James L. Nelson

has been issued this certificate as

Professional Engineer



Registration Number: 6896

Expiration: 08/31/2011

A handwritten signature in cursive script that reads "Randy Bacon".

Randy D. Bacon, Chairman

A handwritten signature in cursive script that reads "Drake T. Olson".

Drake T. Olson, Secretary

A handwritten signature in cursive script that reads "Mark Humphreys".

Mark Humphreys, Executive Director

James L Nelson
is licensed to practice
Civil Engineering
In the State of Nebraska
Until **December 31, 2010**
License Number: **E-9453**

Jchoobineh

Secretary, Board of Engineers and Architects

Minnesota State Board of Architecture, Engineering,
Land Surveying, Landscape Architecture,
Geoscience and Interior Design

This is to certify that

James L. Nelson

is a licensed

Professional Engineer

41162	05/21/2008	06/30/2010
License Number	Effective Date	Expiration Date



STATE OF IOWA

IOWA DEPARTMENT OF COMMERCE
PROFESSIONAL LICENSING AND REGULATION

THE PERSON NAMED BELOW, HAVING MET THE REQUIREMENTS
AND BEING IN GOOD STANDING IN OTHER RESPECTS, IS ISSUED

LICENSURE AS AN
ACTIVE PE
CERTIFICATE NO. 06355
JAMES L. NELSON

EXPIRES 12/31/2009

NELSON ENGINEERING CONSTRUCTION



James Nelson P.E.
President



2610 Dakota Ave. • P.O. Box 86
South Sioux City, NE 68776
www.NelsonEC.com

(402) 494-6927
FAX (402) 494-6068
BestBuilder2000@aol.com

