

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

**In the matter of
Scott Charles Nickels
Professional Engineer Number 42338**

**STIPULATION AND CONSENT ORDER
Board File No. 2021-0049**

TO: Scott Nickels
2078 Scenic View Ln. SW.
Rochester, MN 55902

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Stat. §§ 214.10 and 326.111 (2020) 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 Scott Nickels ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that these matters may now be resolved by this Stipulation and Consent Order.

STIPULATION

It is hereby stipulated and agreed by Respondent and the Committee that without trial or adjudication of any issue of fact or law and without any evidence or admission by any party with respect to any such issue:

1. Jurisdiction. Respondent was first issued a Professional Engineer license by the

Board on December 30, 2002. 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 renewed his Minnesota Professional Engineer license online on April 2, 2020. At that time, Respondent affirmed that he earned 42 Professional Development Hours (PDH), including 12 carryover hours, and affirmed that he earned two PDH dedicated to ethics as required by Minnesota Statute § 326.107, subd. 1(c) (2020).
- b. In a letter dated May 24, 2021, the Board notified Respondent that he was randomly selected for review as part of the Board's continuing education audit.
- c. In the same letter, the Board notified Respondent that as part of the audit, he must submit supporting documentation for a minimum of 24 PDH, of which two PDH must be dedicated to ethics earned between July 1, 2018, and his renewal date of April 2, 2020.
- d. Respondent submitted, and the Board received, a response for the continuing education audit on June 14, 2021. In his response, Respondent provided supporting documentation for 15 PDH, including 1 PDH dedicated to ethics. He furthered stated that he had mistakenly counted a conference he did not attend. Respondent also explained he had not maintained documentation for his carryover hours.

3. Violations. Respondent admits that the facts specified above constitute violations

of Minnesota Statutes §§ 326.107, subd. 1b and subd. 7 (2020), 326.111, subd. 4(a)(1) and (8), and Minnesota Rules 1805.0200, subp. 4C (2019) and are sufficient grounds for the action specified below. Specifically, it is alleged that Respondent (a) failed to meet the continuing education requirements for renewal of his license on April 2, 2020, by not substantiating 24 PDH, including 2 PDH dedicated to ethics; (b) failing to maintain continuing education records, by not maintaining documentation for reported carryover hours; and (c) submitting a materially false statement in connection with his online renewal application on April 2, 2020, by affirming he had earned two PDH dedicated to ethics during the relevant reporting period for his license renewal.

4. Enforcement Action. Respondent and the Committee agree that the Board should issue a Consent Order in accordance with the following terms:

- a. Censure and Reprimand. Respondent is censured and reprimanded.
- b. Civil Penalty. Respondent shall pay to the Board a civil penalty of One Thousand Dollars (\$1,000). Respondent shall submit a civil penalty of \$1,000 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.
- c. Professional Development Hours. Respondent shall complete nine (9) PDH, including one (1) PDH dedicated to ethics, and provide proof of completion of the hours to the Board, within 60 days of the Board's approval of this Stipulation and Consent order. These hours shall not count towards the hours required for Respondent's license renewal.

5. 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 Minn. Stat. ch. 14 (2020), 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.

6. Collection. Pursuant to Minn. Stat. § 16D.17 (2020), ninety days after the Board's approval of this Stipulation and Consent Order, the Board may file and enforce any unpaid portion of the civil penalty imposed by this Order as a judgment against the Respondent in district court without further notice or additional proceedings. Pursuant to Minn. Stat. § 16D.13 (2020), ninety days after the Board's approval of this Stipulation and Consent Order, interest will begin to accrue on the penalty in accordance with that section.

7. Board Rejection of Stipulation and Consent Order. In the event the Board in its discretion does not approve this Stipulation and Consent Order or a lesser remedy than specified herein, this Stipulation and Consent 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 Minn. Stat. ch. 14 (2020), 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.

8. 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 Consent Order and which is not directly related to the specific facts and circumstances set forth herein.

9. Record. The Stipulation, related investigative reports, and other documents shall constitute the entire record of the proceedings herein upon which the Consent Order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this Stipulation.

10. Data Classification. Upon issuance by the Board, this Stipulation and Consent Order is classified as public data. Minn. Stat. §13.41, subd. 5 (2020). All documents in the record shall maintain the data classification to which they are entitled under Minn. Stat. ch. 13 (2020). Documents shall not become public merely because they are referenced herein. 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 Architecture.

11. 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.

12. Counsel. Respondent is aware that Respondent may choose to be represented by legal counsel in this matter. Respondent has either had the opportunity to consult with counsel or hereby knowingly waives legal representation.

13. Service. If approved by the Board, a copy of this Stipulation and Consent 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.

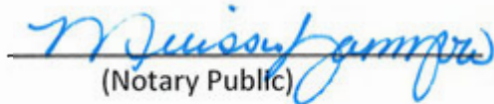
RESPONDENT



Scott Charles Nickels, PE

Dated: 9-23, 2021

SUBSCRIBED and sworn to before me on
this the 23 day of September, 2021.


(Notary Public)

My Commission Expires:

1.31.26



COMPLAINT COMMITTEE


Eric Friske, JD
Committee Chair *For*

Dated: 19-OCTOBER, 2021

ORDER

Upon consideration of the foregoing Stipulation and Consent Order and based upon all the files, records, and proceedings herein, all terms of the Stipulation and Consent Order are approved and adopted and the enforcement action therein is issued as an Order of this Board this the 18th day of November, 2021.

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

By: 
Paul Vogel, LS Board Chair *Melisa Rodriguez, PE
Acting Board Chair*

STATE OF MINNESOTA
MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, LANDSCAPE
ARCHITECT, GEOSCIENCE, AND INTERIOR DESIGN
85 East 7th Place, Suite 160
St. Paul, MN 55101

CERTIFICATE OF SERVICE BY U.S. MAIL

Case Title: Scott Charles Nickels, Professional Engineer No. 42338
File # 2021-0049

I, Dillon Lang, verify by oath or affirmation that on the 19th day of November, 2021, at the City of St. Paul, in the county of Ramsey, in the State of Minnesota, served the Stipulation and Consent Order by depositing a true and correct copy in the United States mail, properly enveloped, with first class postage prepaid and addressed to the following named individual(s) or entities at the address indicated below.

Scott Nickels
2078 Scenic View Ln. SW.
Rochester, MN 55902


Dillon Lang