

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

In the Matter of

**STIPULATION AND
CONSENT ORDER**

Lewis Kevin Pegues
Professional Engineer Applicant

Board File No. 2023-0021

STIPULATION

Lewis Kevin Pegues ("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 the following Order:

- A. Respondent's Professional Engineer license is GRANTED.
- B. Pursuant to Minn. Stat. §326.111, Subd. 4 (2020), Respondent's practice is limited to only performing structural engineering for single-story structures with an importance factor of one. Upon receipt by the Board of satisfactory proof that Respondent has (1) passed the NCEES 16 hour structural exam or (2) passed with a grade of B or higher six semester hours of university-level structural engineering courses as approved by the Board, the Board authorizes its Executive Director to issue an order lifting this limitation of practice.
- C. Respondent's Professional Engineer license once issued is CENSURED and REPRIMANDED pursuant to Minn. Stat. §326.111 (2020).
- D. If the Committee receives credible evidence (in its sole discretion) that Respondent has practiced professional engineering outside of the limitations imposed in this order while those limitations are in place, then the Committee may summarily suspend

Respondent's license pending a final determination by the Board on any discipline for that violations, without first providing Respondent with notice and an opportunity to be heard or a contested-case hearing before issuing the order. In such circumstances, Respondent may request a contested-case hearing to contest the Committee's decision, but Respondent agrees that his license shall remain suspended while the contested-case hearing is pending.

E. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. §§ 326.02–.15 (2020) and Minn. R. chs. 1800 & 1805 (2021).

F. 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. Respondent submitted a professional engineer comity application to the Minnesota Board on August 16, 2022.

2. Respondent answered yes to having disciplinary action in Texas, Oklahoma, Wyoming, New Mexico, Colorado, and Louisiana.

3. Respondent's Professional Engineer license is restricted in Texas, Oklahoma, New Mexico, Wyoming, and Colorado from performing structural work until such time as he meets specific structural requirements.

4. Respondent was issued an Order by the Texas Board of Professional Engineers on November 17, 2016 with the following Findings of Facts:

a. "On or about July 7, 2010 or about January 20, 2011, on or about February 11, 2011 and on or about July 29, 2012, Respondent prepared, signed and sealed engineering structural design sheets for Allen Independent School District Multipurpose Stadium, 301 Rivercrest Boulevard, Allen Texas (Project) that contained errors and flaws requiring extensive redesign and corrections."

b. "If those structural deficiencies had not been remedied the Project's engineering structural design would have endangered the health, safety, property, and welfare of the public."

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 (2020).

2. The Board may place limitations on the practice of a licensee if the licensee has engaged in conduct or acts that are negligent, has engaged in conduct reflecting adversely on the licensee's ability or fitness to practice, or had the licensee's license limited by any other state. Minn. Stat. § 326.111, subd. 4(a)(3), (4), (6) (2020).

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 waives the 60-day deadline for action on Respondent's professional engineer comity application as stated in Minn. Stat. § 15.992 (2020).

3. 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.

4. If approved by the Board, this stipulation and consent order shall be classified as public data. Minn. Stat. § 13.41, subd. 5 (2020). 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 Engineers.

5. 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 (2020) (describing administrative hearing process).

6. 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.

7. 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.

8. 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.



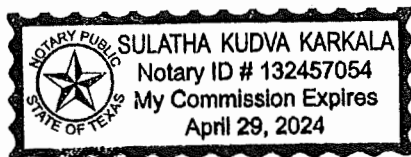
Lewis Kevin Pegues, Professional Engineer
Applicant

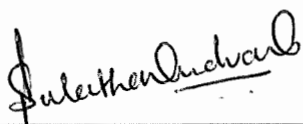
STATE OF Texas

COUNTY OF Port Bend

This instrument was acknowledged before me on 11/11/2022 by Lewis Kevin Pegues.

(stamp)

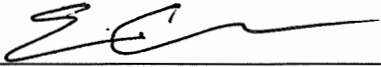




(Signature of notary officer)

My commission expires: 04/29/2024

COMPLAINT COMMITTEE



Eric Friske, JD
Chair

Dated: November 17, 2022

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 is GRANTED.
- B. Pursuant to Minn. Stat. §326.111, Subd. 4 (2020), Respondent's practice is limited to only performing structural engineering for single-story structures with an importance factor of one. Upon receipt by the Board of satisfactory proof that Respondent has (1) passed the NCEES 16 hour structural exam or (2) passed with a grade of B or higher six semester hours of university-level structural engineering courses as approved by the Board, the Board authorizes its Executive Director to issue an order lifting this limitation of practice.
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F. Respondent shall report in writing within ten days any and all violations of this stipulation and consent order to the Board's Executive Director.

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

Dated: November 17, 2022


for PAUL VOGEL, LS
Board Chair
Melisa Rodriguez, PE
Treasurer