

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

In the Matter of

**STIPULATION AND
CONSENT ORDER**

David Albert Schlangen
Professional Engineer License No. 40986

Board File No. 2022-0002

STIPULATION

David Albert Schlangen ("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. 40986, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2020).

B. 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. Respondent shall complete 4 professional development hours related to professional 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 professional development hours are not to count toward Respondent's 2020-2022 continuing education renewal requirements.

D. 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 (2019).

E. 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 holds a Professional Engineer license in the State of Minnesota, which expires on June 30, 2022.

2. Respondent renewed his Minnesota Professional Engineer license online on June 5, 2020. At that time, Respondent affirmed that he earned 25 Professional Development Hours (PDH), including 9 carryover hours, and affirmed that he earned two PDH dedicated to ethics as required by Minnesota Statute § 326.107, subd. 1(c) (2020).

3. In a letter dated May 12, 2021, the Board notified Respondent that he was randomly selected for review as part of the Board's continuing education audit.

4. 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 June 5, 2020.

5. Respondent submitted, and the Board received, a response for the continuing education audit on July 1, 2021. In his response, Respondent provided supporting

documentation for 9 PDH. He further stated he had switched employers and lost his continuing education materials after leaving his prior employer.

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. Respondent violated Minnesota Statutes §§ 326.107.107, subd. 1(a), (b), and 7 (2020), 326.111, subd. 4(a)(1) and (8) (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 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 (2020).
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 (2020) (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 waives 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 (2020), 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 (2020), 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.



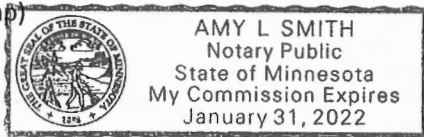
David Albert Schlangen, PE

STATE OF Minnesota

COUNTY OF Goodhue

This instrument was acknowledged before me on December 27, 2021 by David Albert Schlangen.

(stamp)



(Signature of notary officer)

My commission expires: 01-31-2022

COMPLAINT COMMITTEE



Eric Friske, JD
Chair

Dated: January 11, 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, No. 40986, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326A.111 (2020).

B. 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. Respondent shall complete 4 professional development hours related to professional 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 professional development hours are not to count toward Respondent's 2020-2022 continuing education renewal requirements.

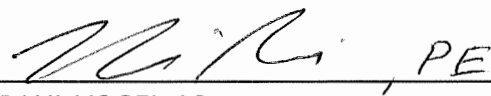
D. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. §§ 326.02-.15 (2020) and Minn. R. chs. 1800 & 1805 (2019).

E. 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: January 28, 2022

for

 PE
PAUL VOGEL, LS
Board Chair

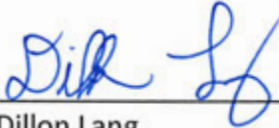
STATE OF MINNESOTA
MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, LANDSCAPE
ARCHITECT, GEOSCIENCE, AND INTERIOR DESIGN
85 East 7th Place, Suite 160
St. Paul, MN 55101

CERTIFICATE OF SERVICE BY U.S. MAIL

Case Title: David Schlangen, Professional Engineer No. 40986
File # 2022-0002

I, Dillon Lang, verify by oath or affirmation that on the 28th day of January, 2022, 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.

David Schlangen
135 Cannon River Ave.
Red Wing, MN 55066


Dillon Lang