

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

In the Matter of

**STIPULATION AND  
CONSENT ORDER**

David Tsang  
Professional Engineer License No. 50600

Board File No. 2023-0010

**STIPULATION**

David Tsang (“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. 50600, is CENSURED, and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2022).

B. Respondent shall pay to the Board a civil penalty of Five Thousand Dollars (\$5,000.00). Respondent shall submit a civil penalty of \$5,000.00 by check to the Board within sixty (60) days of the Board’s approval of this Stipulation and Consent Order.

C. Respondent shall complete 2 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 the continuing education hours required by statute and rule for the license renewal.

D. 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).

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 was first issued a Professional Engineer license in Minnesota on March 12, 2013.

2. Respondent's Minnesota Professional Engineer license expired on July 1, 2022.

3. Respondent's Minnesota Professional Engineer license was renewed on July 11, 2022.

4. 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 July 8, 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 certificate 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 engineering, 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".

5. Respondent called Board staff on August 2, 2022, and admitted he had prepared professional engineering plans during the time of expiration.

6. Respondent completed four temporary traffic control engineering plans during the time of expiration. These plans had already been utilized by the time Respondent renewed his license on July 11, 2022.

7. Respondent works for the Minnesota Department of Transportation under the working title of District Traffic Operations Engineer.

a. Respondent has worked as a District Traffic Operations Engineer since March 20, 2017.

b. This position requires Respondent to have a "Registration as a Professional Civil Engineer (P.E.) in the State of Minnesota".

### **Conclusion of Law**

1. The Board has authority to license and regulate professional engineering 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 Minn. R. 1805.0200, subps. 1(B), 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.

David Tsang  
David Tsang, PE

STATE OF Minnesota

COUNTY OF Olmsted

This instrument was acknowledged before me on 2/6/2023 by David Tsang.



Carolyn East-Grotjohn  
(Signature of notary officer)

My commission expires: 1/31/2025

**COMPLAINT COMMITTEE**

Eric Friske  
Eric Friske, JD  
Chair

Dated: February 9, 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 orders as follows:

- A. Respondent's Professional Engineer license, No. 50600, is CENSURED, and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2022).

B. Respondent shall pay to the Board a civil penalty of Five Thousand Dollars (\$5,000.00). Respondent shall submit a civil penalty of \$5,000.00 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.


C. Respondent shall complete 2 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 the continuing education hours required by statute and rule for the license renewal.

D. 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).

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: February 9, 2023

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