

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

In the Matter of Kyle Wallaker, Unlicensed

**SETTLEMENT AGREEMENT
AND CONSENT ORDER**

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design is authorized pursuant to Minn. Stat. §§ 214.10, 326.111 to take action to prevent the unauthorized practice of land surveying.

The Board received information concerning Respondent Kyle Wallaker. The Board's Complaint Committee reviewed that information.

It is hereby stipulated and agreed by Respondent and the Committee without trial or adjudication that:

1. On June 10, 2019, the Committee commenced a regulatory action against Wallaker by serving him with a notice and order for prehearing conference and a cease and desist order pursuant to Minn. Stat. §§ 214.10 and 326.111 (2018). The Committee alleged that Wallaker engaged in unauthorized land surveying by preparing and providing plat drawings for properties, locating artificial features for preparing and perpetuating maps, and determining or establishing property boundaries. Minn. Stat. § 326.02, subd. 1, .03, subd. 1 (2018).

2. Respondent acknowledges that he was advised of his right to a hearing in this matter, to present argument to the Board, and to appeal from any adverse determination after a hearing. Respondent expressly waives those rights. Respondent further acknowledges that he

was advised of his right to be represented by legal counsel and that he was represented by counsel.

3. Respondent has agreed to an informal disposition of this matter without a hearing as provided under Minn. Stat. § 14.59 (2018) and Minn. Rule 1400.5900 (2017).

4. This settlement agreement and consent order and the files, records, and proceedings associated with this matter constitute the entire record and shall be reviewed by the Board in its consideration of the matter.

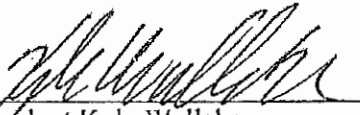
5. In the event that the Board in its discretion does not approve this settlement, this settlement is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party. Respondent agrees that if the Board rejects this settlement and this case proceeds to hearing, Respondent will assert no claim that he was prejudiced by the Board's review and discussion of this settlement or of any records relating to it.

6. Respondent acknowledges that any monetary penalty or resulting judgment arising from this order is non-dischargeable in any bankruptcy proceeding. *See* 11 U.S.C. § 523(a)(7) ("A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title does not discharge an individual debtor from any debt . . . to the extent such debt is for a fine, penalty, or forfeiture payable to and for the benefit of a governmental unit, and is not compensation for actual pecuniary loss, other than a tax penalty . . .").

7. Upon this stipulation and record, the Committee and Respondent agree that the Board may, in its discretion, issue an order that:

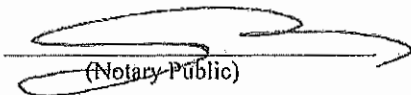
- A. Respondent **SHALL** cease using the name "Kyle's Plat Service," or any other name for his business that conveys the impression that Respondent is a licensed land surveyor, or offers land surveying services;

- B. Respondent **SHALL** mark his drawings as "Property Inspection Reports;"
- C. Respondent **SHALL** remove directional markers, coordinates and corner points from his drawings;
- D. Respondent **SHALL** indicate on his drawings that all distances are approximate;
- E. Respondent **SHALL PAY** a civil penalty to Board in the amount of \$500. Respondent shall submit to the Board payment of the civil penalty by check payable to the Board within sixty days of the Board's approval of this settlement agreement and consent order.

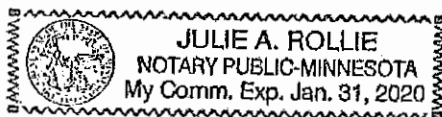

Respondent Kyle Wallaker

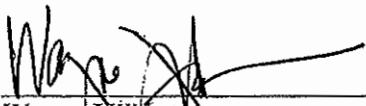
Dated: 1-14, 2020

SUBSCRIBED and sworn to before me on
this the 14th day of January, 2020.


(Notary Public)

My Commission Expires:




Wayne Hilbert
Committee Chair

DATED: 3-12, 2020

ORDER

Upon consideration of the foregoing settlement agreement, and based upon all the files, records, and proceedings herein,

IT IS ORDERED, pursuant to Minn. Stat. § 326B.083 as follows:

- A. The licensing order dated March 1, 2019 is **VACATED**;
- B. Respondent **SHALL NOT** practice land surveying in Minnesota until such time as he becomes licensed as a Professional Land Surveyor in the State of Minnesota;
- C. Respondent **SHALL PAY** a civil penalty to Board in the amount of \$500. Respondent shall submit to the Board payment of the civil penalty by check payable to the Board within sixty days of the Board's approval of this settlement agreement and consent order.

This consent order shall be effective upon signature by the Board's chair or designee of the chair.

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

By: _____


Margaret S. Parsons, AIA

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Kyle Wallaker
Unlicensed
License Number 2018-0009

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Peng Her, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on this the 16th day of March 2020, he served the attached **Settlement Agreement and Consent Order**, by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first class, and addressed to:

Kyle Wallaker
Kyle's Plat Service, Inc.
13264 390th St
Goodhue, MN 55027



Peng Her

Subscribed and sworn to before me on
this the 16th day of March, 2020.


(Notary Public)