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

In the matter of Loyall A. Wharton
PROFESSIONAL ENGINEER
License Number 46558

STIPULATION AND ORDER

Board File No. 2011-0030

TO: Loyall A. Wharton
Post Office Box 501830
San Diego, California 92150

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2010) and Minnesota Statutes section 326.111 (2010) 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 Loyall A. Wharton ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that the matter may now be resolved by this Stipulation and Order.

STIPULATION

IT IS HEREBY AGREED by and between Respondent and the Committee as follows:

1. Jurisdiction. The Respondent was first issued a Professional Engineer license by the Board on July 1, 2008. 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 was first licensed as a Professional Engineer in the State of Minnesota on July 1, 2008.

b. Respondent's Minnesota Professional Engineering license is current with an expiration date of June 30, 2012.

c. On April 29, 2009, Respondent signed the engineering plans for the 'clear wire' - wireless broadband project, located in Maplewood, Minnesota at McKnight Road South and Hillwood Drive East. Respondent did not incorporate the mandatory language as required in Minnesota Statutes section 326.12, subdivision 3 (2010). A true and correct copy of the plans signed by the Respondent on April 29, 2009 for the 'clear wire' - wireless broadband project, located in Maplewood, Minnesota, is attached as Exhibit A.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.12, subdivision 3 (2010) and Minnesota Rule 1800.4200, subparts 1 and 4 (2009) and are sufficient grounds for the action specified below. Specifically, Respondent did not incorporate the mandatory language required on the plans.

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

a. Reprimand. Respondent is reprimanded for the foregoing conduct.

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 Minnesota Statutes Chapter 14 (2010), 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. Board Rejection of Stipulation and Order. In the event the Board in its discretion does not approve this Stipulation and Order or a lesser remedy than specified herein, this Stipulation and 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 Minnesota Statutes Chapter 14 (2010), 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.

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

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

9. Data Classification. Under the Minnesota Government Data Practices Act, this Stipulation and Order is classified as public data upon its issuance by the Board, Minnesota Statutes section 13.41, subdivision 5 (2010). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 (2010). They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. A summary of this Order will appear in the Board's newsletter. A summary will also be sent to the national discipline data bank pertaining to the practice of professional engineering.

10. 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.

11. Counsel. Respondent is aware that he may choose to be represented by

legal counsel in this matter. Respondent knowingly waived legal representation.

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

L.A. Wharton
Loyall A. Wharton

Dated: May 26, 2011

COMPLAINT COMMITTEE

By: Lisa Hanni
Lisa Hanni, LS
Committee Chair

Dated: June 2, 2011

ORDER

Upon consideration of the foregoing Stipulation and based upon all the files, records and proceedings herein, all terms of the Stipulation are approved and hereby issued as an Order of this Board on this the 2ND day of JUNE, 2011.

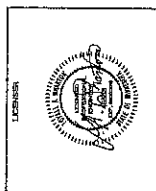
MINNESOTA BOARD OF
ARCHITECTURE, ENGINEERING,
LAND SURVEYING, LANDSCAPE
ARCHITECTURE, GEOSCIENCE AND
INTERIOR DESIGN

By: William D. Arockiasamy
William D. Arockiasamy, PE
Board Chair

clear
 Wireless broadband
 8800 HWY 7 STE 203
 SAINT LOUIS PARK, MN 55428

SSS
 WIRELESS
 11310 BORGENTO VALLEY ROAD
 STE 230, SAN DIEGO, CA 92121
 WWW.SSSW.COM

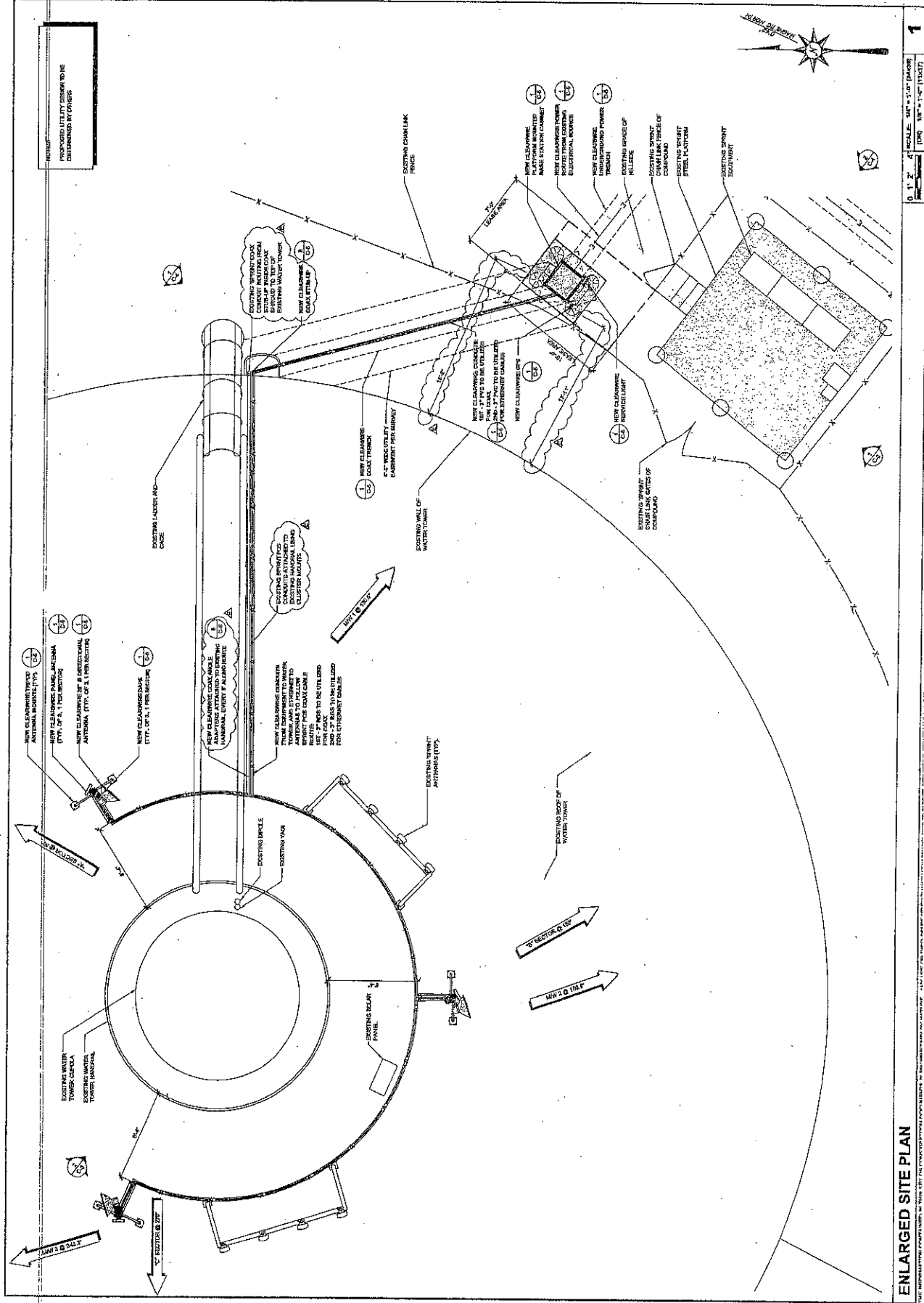
MN-MS-P0160-A
 670 MCKNIGHT ROAD SOUTH
 MAPLEWOOD, MN 55119



REV. NO.	DATE	DESCRIPTION	BY
1		ISSUE FOR PERMITTING	
2		ISSUE FOR CONSTRUCTION	
3		FINAL CONSTRUCTION	

SHEET TITLE
ENLARGED SITE PLAN

SHEET NUMBER
C-2



clear wireless broadband
 888.887.7878
 SAINT LOUIS PARK, MN 55426

SOC
 WIRELESS
 12800 DORSEY ROAD, SUITE 200
 SAN DIEGO, CA 92121
 WWW.SOC.COM

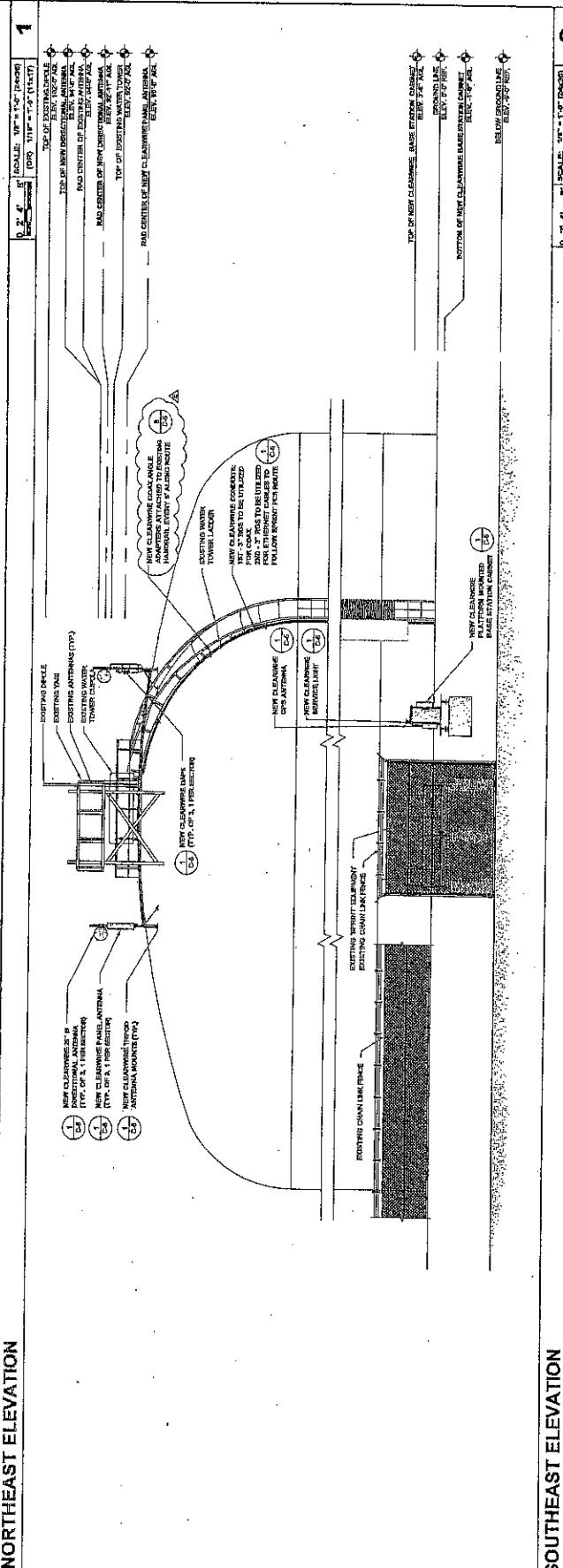
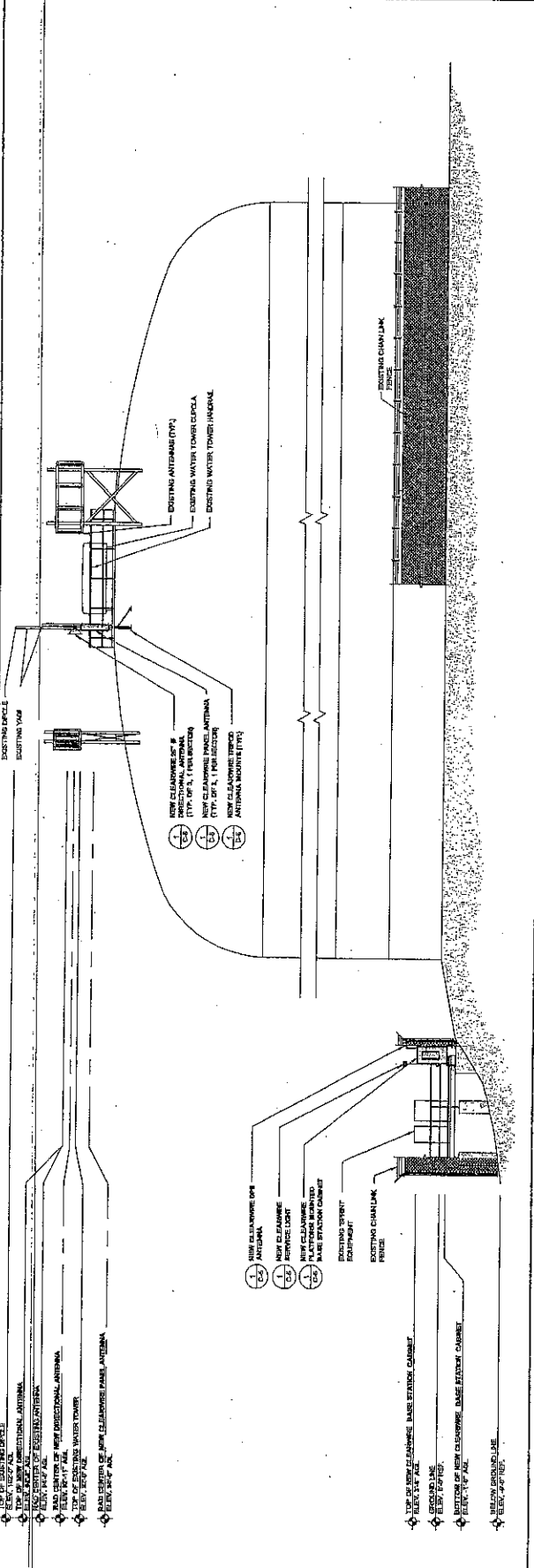
MN-MSP0160-A
 670 MCKNIGHT ROAD SOUTH
 MAPLEWOOD, MN 55119



NO.	DATE	DESCRIPTION	BY
0		FINAL CONSTRUCTION	AMG

SHEET TITLE
 NORTHEAST & SOUTHEAST
 ELEVATIONS

SHEET NUMBER
C-4



NORTHEAST ELEVATION

SOUTHEAST ELEVATION

