

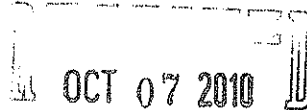
STATE OF MINNESOTA
BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING, LANDSCAPE ARCHITECTURE, GEOSCIENCE
AND INTERIOR DESIGN

In the matter of Robert Sexton
PROFESSIONAL ENGINEER
License Number 18438

STIPULATION AND ORDER

Board File No. 2010-0075

TO: Mr. Robert Sexton
15 East Eau Claire Street
Rice Lake, Wisconsin 54868



BY:

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 Robert Sexton ("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 has held a license to practice professional engineering from the Board since July 22, 1987. 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 to practice professional engineering in the State of Minnesota on July 22, 1987.

b. On May 3, 2010, at 10:49 AM, Respondent's license to practice professional engineering in the State of Minnesota was renewed on-line.

c. Respondent was disciplined by the Iowa Engineering and Land Surveying Examining Board of the State of Iowa, on July 2, 2009. A true and correct copy of the Iowa Engineering and Land Surveying Examining Board of the State of Iowa Consent Order, that was issued on July 2, 2009 is attached as Exhibit A.

d. Respondent did not disclose the July 2, 2009 disciplinary action taken by the Iowa Engineering and Land Surveying Examining Board of the State of Iowa, when he renewed his Minnesota Professional Engineer license on-line on May 3, 2010, at 10:49 AM. In order to continue the on-line renewal process, the Board's computer system asks the licensee, "Since July 1, 2008, have you had a license disciplined, denied, surrendered, suspended or revoked?" There is a button to check 'yes' or 'no' to this question. Respondent selected "no" in his on-line response to the question. If Respondent had selected "yes," the Board's computer system would not have let him continue and would have given him an error message: "You cannot renewal your license if you had a license disciplined, denied, surrendered, suspended or revoked. Please contact

Lynette DuFresne at 651-757-1510 for assistance." Directly below this question, the Board's on-line renewal screen asks the licensee, "I swear or affirm that I have read the foregoing renewal application and continuing education reporting screens and that the statements are true and complete." The next step to complete is a box to click that states, "I accept." Additionally it states, "(You must check this box to continue)." Respondent affirmed the 2012 renewal application on May 3, 2010, at 10:49 AM. Respondent clicked on the box to continue as his Minnesota Professional Engineer license was renewed on May 3, 2010.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.111, subdivision 4 (a) (1) and (5) (2010), and Minnesota Rules 1805.0200, subparts 2 and 4 (c) (2009), and are sufficient grounds for the action specified below.

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.

b. Civil Penalty. Respondent shall pay to the Board a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00). Respondent shall submit a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) by cashier's check or money order to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.

c. Ethics Course. Within six months (6) of the Board's approval of

this Stipulation and Order, Respondent shall successfully complete, and submit acceptable documentation thereof to the Board, two (2) hours of a course(s) in professional ethics, which is/are approved in advance by the Complaint Committee. Completion of any courses for the two (2) hours of professional ethics instruction earned within six months (6) of the Board approval of this Stipulation and Order, that are being submitted for the purpose of fulfilling the professional ethics instruction required by this Order shall not count toward any continuing education requirements in the 2012-2014 renewal period or beyond.

5. Additional Discipline for Violations of Order. If Respondent violates this Stipulation and Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least thirty days prior to the hearing, the Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Within fourteen days after the notice is mailed, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. At the hearing before the Board, the Complaint Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The Complaint committee may submit affidavits responding to any affidavits submitted by Respondent. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and

Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice or suspension or revocation of Respondent's license.

6. 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.

7. Collection. In accordance with Minnesota Statutes section 16D.17 (2010), in the event this order becomes final and Respondent does not comply with the condition in paragraph 4(b) above, Respondent agrees that the Board may file and enforce the unpaid portion of the civil penalty as a judgment without further notice or additional proceedings.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. Counsel. Respondent is aware that he may choose to be represented by legal counsel in this matter. Respondent knowingly waived legal representation.

14. 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



Robert Sexton

Dated: 08/06, 2010

COMPLAINT COMMITTEE

By: Billie Lawton
Billie Lawton, Public Member,
Committee Chair

Dated: 10-22-10 2010

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 22nd day of October, 2010.

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

By: Kristine A. Kubes
Kristine A. Kubes, J. D.
Board Chair

Department of Transportation
 Professional Licensing Bureau
 FILED 7/15/09
 BOB LAMPE, Director
 IOWA ENGINEERING AND LAND SURVEYING EXAMINING BOARD

BEFORE THE IOWA ENGINEERING AND LAND SURVEYING EXAMINING BOARD
 OF THE STATE OF IOWA

IN THE MATTER OF:)

Robert Sexton)

PE #14164)

RESPONDENT)

CASE NO. #09-01(PDH)

AMENDED
 CONSENT ORDER ON
 STIPULATED CHARGES

The Iowa Engineering and Land Surveying Examining Board (Board) and Robert Sexton (Respondent) enter into this Consent Order pursuant to Iowa Code sections 17A and 272C.3(4)(2009) and 193C – Iowa Administrative Code 3.4(10).

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 542B (2009).

2. The Respondent is a Licensed Professional Engineer Licensed Professional Land Surveyor. On April 22, 2009, the Respondent submitted an amended Application for Licensure Renewal indicating the completion of 14 professional development hours (PDH), which is 16 PDH short of the requirement for the renewal of this license.

3. In lieu of prosecuting a first offense concerning the board's continuing education requirements for renewal set forth in Iowa Code sections 272C and 542B (2009) and 193C -- IAC chapters 3 and 7, the Board and Respondent have agreed to enter into a consent order, pursuant to 193C IAC – 3.4(10).

4. This Order shall be part of the permanent record of the Respondent and shall be considered by the board in determining the nature and severity of any disciplinary action imposed in the event of future violations.

5. This Consent Order is public record, available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2009).

6. Failure to comply with the provisions of the Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2009). However, no action may be taken against the Respondent for violation of these provisions without a hearing or waiver of hearing.

7. Respondent has read and understands the Board's continuing education requirements for renewal, and agrees to abide by them in the future.

EXHIBIT A

| | | | | | |
|-------------------|------------------|---------|--------------|------------|---|
| Post-it* Fax Note | 7671 | Date | 6/21/10 | # of pages | 2 |
| To | Lynette DuFresne | From | Bob Lampe | | |
| Co./Dept | | Co. | | | |
| Phone # | | Phone # | 515-281-7366 | | |
| Fax # | 651-297-5310 | Fax # | | | |

Consent Order
Page 2

- 8. This order is subject to approval by the Board.
 - (a) If the Board fails to approve this Order, it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter.
 - (b) If the Board approves this Order, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

A. Respondent shall pay a civil penalty of \$250.00 within thirty days of receipt of this executed document.

B. Respondent shall complete 16 professional development hours. Documentation of the completion of the PDH shall be submitted to the board office on or before **July 1, 2009**. These PDH will not apply to the next renewal reporting period.

John A. Seeth

Respondent

6-8-09

Date

Craig R. Johnstone

Craig Johnstone, PLS/PE, Chair
Iowa Engineering and Land Surveying Examining Board

2 July 2009

Date

State of Iowa
County of Polk

As Executive Officer of the Iowa Engineering and Land Surveying Examining Board, I certify pursuant to Iowa Code section 622.46, that this is a true and correct copy of a document in the possession of the Iowa Engineering and Land Surveying Examining Board.

Dated: *June 21, 2010*

Robert E. Lampe (signature)

Robert E. Lampe Executive Officer
Iowa Engineering and Land Surveying Examining Board

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Robert Sexton,
PROFESSIONAL ENGINEER
License Number 18438

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Lynette DuFresne, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on this the 25th day of OCTOBER, 2010, she served the attached **Stipulation and 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 certified postage prepaid, and addressed to:

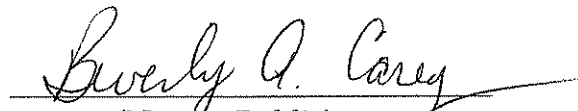
Mr. Robert Sexton
15 East Eau Claire Street
Rice Lake, Wisconsin 54868

CERTIFIED MAIL
Return Receipt Requested
7010 0780 0001 5886 1695

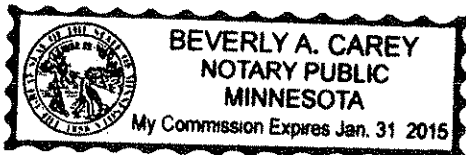


Lynette DuFresne

Subscribed and sworn to before me on
this the 25th day of October, 2010.



(Notary Public)



1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

2. The second part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

3. The third part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

4. The fourth part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

5. The fifth part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".