



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

In the matter of Chander Nangia
PROFESSIONAL ENGINEER
License Number 12273

STIPULATION AND ORDER

Board File No. 2011-0013

TO: Mr. Chander Nangia
7423 Hollow Ridge Drive
Houston, Texas 77095

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 Chander Nangia ("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 January 14, 1977. 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 January 14, 1977.
 - b. On July 1, 2010, Respondent's Minnesota Professional Engineering License in the State of Minnesota expired.
 - c. Respondent renewed his Minnesota Professional Engineering License online on August 12, 2010 at 11:40 AM.
 - d. Respondent's Minnesota Professional Engineering License was expired from July 1, 2010 through August 11, 2010.
 - e. In a letter dated October 12, 2010, Respondent's attorney stated that the Respondent worked on two Minnesota projects during the time that his Minnesota professional engineer license had expired:
 - e.1 A metal storage building in Thief River Falls; and
 - e.2 A metal storage building in East Grand Forks.

The plans, drawings, specification and calculations for these building were included as Exhibits A, B, C, and D in the original complaint. A copy of the original complaint and Exhibits A, B, C, and D were attached to the allegation letter that was sent to the Respondent on September 3, 2010.

 - f. Respondent held himself out as a Minnesota Professional Engineer and practiced engineering in Minnesota during the time his Minnesota

professional engineer license had expired by signing and certifying plans for:

f.1 A Metal Storage Building' project located in East Grand Forks, Minnesota on July 13, 2010.

f.2 A Metal Storage Building' project located in Thief River Falls, Minnesota on July 13, 2010.

g. Respondent falsified information in the online license renewal application he affirmed on August 12, 2010. Respondent renewed and affirmed the Board's 2012 renewal application online on August 12, 2010 at 11:40 AM. In order to continue the online renewal process, it 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. Directly below this question it 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 clicked on the box to continue as his Professional Engineer license was renewed on August 12, 2010. If Respondent had selected 'yes' to the question, "Since July 1, 2008, have you had a license disciplined, denied, surrendered, suspended or revoked," the system would not have let him continue and would have given him the error message: "You

cannot renew your license online if you had a license disciplined, denied, surrendered, suspended or revoked. Please contact Lynette DuFresne at 651-757-1510 for assistance...[sic] ...”

h. Respondent did not report orders related to his licenses that were issued by the following jurisdictions between July 1, 2008 and June 30, 2010 that are within the scope of the online renewal application question quoted in paragraph 2.g. above:

1. North Carolina - order issued on September 11, 2008
2. Wisconsin - order issued on April 23, 2009
3. Ohio - order issued on October 21, 2009
4. Louisiana - order issued on March 8, 2010

i. In a letter dated April 18, 2011, Respondent's attorney stated that the Respondent reviewed his records and the following are the orders issued by licensing authorities during the time period July 1, 2008, through June 30, 2010:

- i.1 North Carolina: Order, September 11, 2008
- i.2 Ohio Order, October 21, 2009
- i.3 Louisiana: Order March 8, 2010
- i.4 Wisconsin Order, April 23, 2009

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.02, subdivisions 1 and 3, Minnesota Statutes section 326.111, subdivision 4 (a) 1, 2, 5 and 6 (2010) and Minnesota Rules 1805.0200,

subparts 1, 2, and 4(C) (2011) and are sufficient grounds for the action specified below. Specifically, the Committee's position is that the Respondent held himself out and practiced as a Professional Engineer during the lapse of his Professional Engineer's license from July 1, 2010 until August 12, 2010. Further, the Committee's position is that Respondent failed to disclose the following material facts in response to the online renewal application question identified in paragraph 2.g.above: the September 11, 2008, North Carolina Board of Examiners for Engineers and Surveyors Decision and Order; the April 23, 2009 Wisconsin Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors Final Decision and Order; the October 21, 2009 Ohio State Board of Registration for Professional Engineers and Surveyors Settlement Agreement; and the March 8, 2010, Louisiana Professional Engineering and Land Surveying Board Consent Order and, thus, Respondent falsified or misrepresented information in the online renewal application that he affirmed on August 12, 2010.

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. Surrender of Professional Engineering License. Respondent's professional engineering license shall be surrendered to the Board. Upon receipt of the Board's Order approving this Stipulation, Respondent shall deliver his professional engineering license to the Board office within five (5) business days. Upon receipt of the Board's Order approving this Stipulation, Respondent shall

not practice professional engineering in Minnesota or hold himself out as a professional engineer in Minnesota. Respondent agrees not to reapply for licensure in this State as a professional engineer.

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 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 is represented by Mark A. Bloomquist, Meagher & Geer, Attorneys at Law, 33 South Sixth Street, Suite 4400, Minneapolis, Minnesota, 55402.

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

Chander Nangia
Chander Nangia

Dated: 1/4/2012

COMPLAINT COMMITTEE

By: [Signature]
Lisa Hanni, LS,
Committee Chair

Dated: 1/25, 2012

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 3rd day of FEBRUARY, 2012.

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

By: [Signature]
William D. Arockiasamy, PE
~~Board Chair~~

Carl G. Peterson
Secretary

