

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

In the matter of Stephen C. Hoffman
PROFESSIONAL Engineer
License Number 21040

STIPULATION AND ORDER

Board File No. 2013-0010

TO: Mr. Stephen C. Hoffman
Hoffman Engineers, Inc. PC
8261 Baseline Road
Paragon, Indiana 46166

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2012) and Minnesota Statutes section 326.111 (2012) 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 Stephen C. Hoffman ("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 December 18, 1990. 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 December 18, 1990.

b. Respondent's Professional Engineer license in the State of Minnesota is current with an expiration date of June 30, 2014.

c. On June 30, 2004, Respondent renewed his Minnesota Professional Engineer license for the 2006 Renewal period, 07/01/2004 to 6/30/2006. On the 2006 renewal application it asked the question: "Have you ever had a license disciplined, denied, surrendered, suspended or revoked?" Respondent checked the 'no' box. Above Respondent's signature on the form, it stated: "I swear or affirm that I have read the foregoing renewal application and that the statements are true and complete." This was the first time the Board asked this question on a renewal application.

d. The Commonwealth of Massachusetts issued a Final Decision and Order to the Respondent on August 30, 2000 revoking his license to practice engineering. Respondent failed to disclose this on his 2006 Renewal application.

e. Additionally, on September 25, 2001, the South Carolina Department of Labor, Licensing & Regulation before the Board of Registration for Professional Engineers and Land Surveyors, issued a Consent Order publicly reprimanding Respondent. Respondent failed to disclose this disciplinary action on his 2006 Renewal application.

f. With his 2014 Renewal application, Respondent disclosed in a letter attached to the renewal application, that he had disciplinary proceedings

initiated against him by six (6) separate jurisdictions since 1997: Massachusetts, South Carolina, Texas, New Hampshire, Alabama, and Tennessee.

g. In this same letter, Respondent stated: "To the best of my knowledge and recollection, I first notified the states I was licensed in, including Minnesota, of the Massachusetts matter in 1998 while the matter was still pending in front of the Massachusetts Board. Then, in 2000 after the Massachusetts Board Order was entered and under appeal, I attempted to disclose to, and certainly intended to notify, the required professional engineering authorities of the Order and my appeal. I have in my records a copy of both letters that I believe I sent to notify the licensing boards either in separate disclosures or as part of the renewal application process." The Board has no record of receiving either the 1998 letter or the 2000 letter in the Respondent's licensing file.

h. At the request of the Respondent, the Board held a conference with the Respondent and his legal counsel on December 6, 2012 at 10:00 a.m. to discuss this matter. At this conference, the Respondent disclosed that he has taken corrective measures for future renewals as he is licensed in thirty eight (38) states. The Complaint Committee was satisfied with the corrective action that the Respondent has taken.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.111, subdivision 4 (a) (1) and (6) (2012), Minnesota Rules 1805.0200, subpart 2 (failure to disclose a material fact requested in connection with an application for licensure) and are

sufficient grounds for the action specified below. Specifically, it is alleged that Respondent failed to disclose disciplinary action taken against him by the states of Massachusetts and South Carolina on his 2006 renewal application.

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 Two Thousand Dollars (\$2,000.00). Respondent shall submit a civil penalty of Two Thousand Dollars (\$2,000.00) by cashier's check or money order to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.

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 (2012), 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 (2012), 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 (2012), 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.

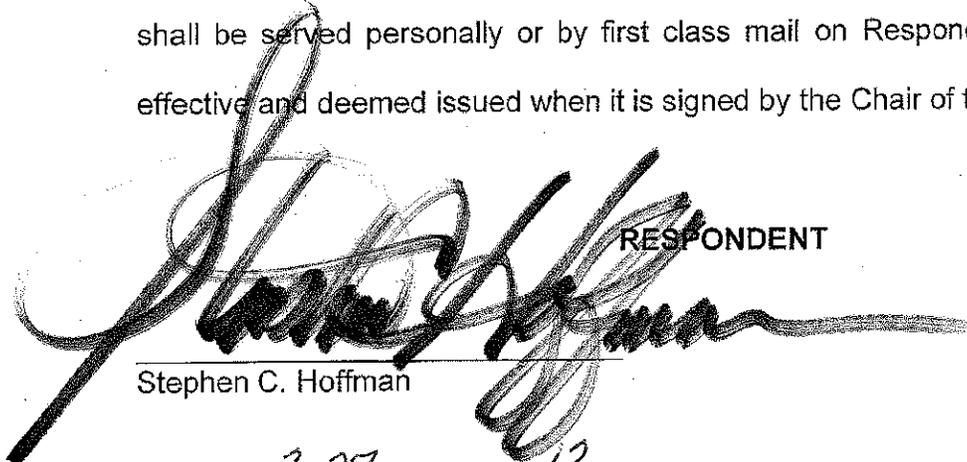
11. Data Classification. Under the Minnesota Government Data Practices Act, this Stipulation and Order is classified as public data upon its issuance by the Board, Minnesota Statutes section 13.41, subdivision 5 (2012). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 (2012). 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 David Snieg.

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.

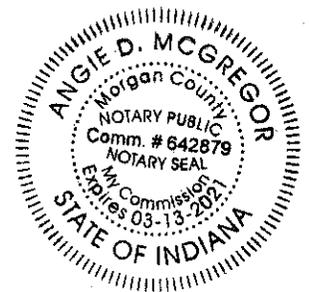

RESPONDENT

Stephen C. Hoffman

Dated: 3-27, 20 13

SUBSCRIBED and sworn to before me on this the 27 day of March, 20 13.

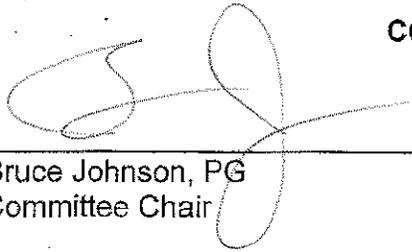

(Notary Public)



My Commission Expires:

3-13-2021

COMPLAINT COMMITTEE



Bruce Johnson, PG
Committee Chair

Dated: 4/2/13, 2013

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 3 day of MAY, 2013

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

By:



~~Lisa Harri, LS~~
Board Chair

DOUGLAS C. COOLEY PE

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Stephen C. Hoffman
PROFESSIONAL ENGINEER
License Number 21040

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 6th day of May, 2013, 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. Stephen C. Hoffman
Hoffman Engineers, Inc. PC
8261 Baseline Road
Paragon, Indiana 46166

CERTIFIED MAIL
Return Receipt Requested
7010 0780 0001 5886 4955

Lynette DuFresne
Lynette DuFresne

Subscribed and sworn to before me on
this the 6th day of May, 2013.

Beverly A. Carey
(Notary Public)

