

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

**In the matter of William L. Toney, Jr.,  
Applicant for Licensure As a  
Professional Engineer by Comity**

**STIPULATION AND ORDER FOR  
GRANTING APPLICATION FOR  
LICENSURE BY COMITY**

**Board File No. 2016-0011**

TO: William L. Toney, Jr.  
Post Office Box 134  
Danese, West Virginia 25831

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2014) and Minnesota Statutes section 326.111 (2014) 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 William L. Toney, Jr. ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that these matters may now be resolved by this Stipulation and Order.

**STIPULATION**

It is hereby stipulated and agreed by Respondent and the Committee that without trial or adjudication of any issue of fact or law and without any evidence or admission by any party with respect to any such issue:

1. Jurisdiction. Respondent submitted an application for licensure as a Professional Engineer by Comity on August 17, 2015. 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 submitted an application for licensure as a Professional Engineer by Comity on August 17, 2015.

b. On the Respondent's application for licensure as a Professional Engineer by Comity received by the Board on August 17, 2015, question number 3 asked: "Have you ever had a license disciplined, denied, surrendered, suspended or revoked?" Respondent checked the 'NO' box.

c. Respondent's West Virginia professional engineer license had been disciplined by the West Virginia State Board of Registration for Professional Engineers on November 16, 2012, Consent Order C2012-09.

d. Respondent's North Carolina professional engineer license had been disciplined by the North Carolina Board of Examiners for Engineers and Surveyors on September 12, 2013, Decision and Order, Case No. V2013-030.

e. Respondent's West Virginia professional engineer license had been disciplined by the West Virginia State Board of Registration for Professional Engineers on October 23, 2014, Consent Order C2014-15.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes sections 326.111, subdivision 4 (a) (1) and 326.111, subdivision 6 (a) (2014), and Minnesota Rules 1805.0200, subpart 2 (2015) (submitting a materially false statement in connection with an application for licensure and failing 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 on

his application for licensure as a Professional Engineer by Comity received by the Board on August 17, 2015, Respondent failed to disclose disciplinary action taken against his professional engineer licenses by the states of West Virginia and North Carolina.

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 check or money order to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.

c. Issuance of Professional Engineer License to Respondent. Upon Respondent's full and timely payment of the civil penalty as required by section 4.b. above and all applicable fees, the Board shall issue a Professional Engineer license to Respondent.

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 (2014), 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. Collection. Pursuant to Minnesota Statutes section 16D.17 (2014), after ninety (90) days of the Board's approval of this Stipulation and Order, the Board may file and enforce any unpaid portion of the civil penalty imposed by this Order as a judgment against the Respondent in district court without further notice or additional proceedings.

7. 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 (2014), 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.

8. 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.

9. 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.

10. 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 (2014). 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 (2014). 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.

11. 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.

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

13. 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

W.L. Toney, Jr.

William L. Toney, Jr.

Dated: June 24<sup>th</sup>, 20 16

SUBSCRIBED and sworn to before me on  
this the 24<sup>th</sup> day of June, 20 16

Michelle Owens

(Notary Public)

 **MICHELLE OWENS**  
Notary Public - State of Kansas  
My Appt. Expires 13

My Commission Expires:

01-06-18

COMPLAINT COMMITTEE

James N. Grube

James N. Grube, P.E.  
Committee Chair

Dated: 8/18, 20 16

ORDER

Upon consideration of the foregoing Stipulation and Order and based upon all the files, records, and proceedings herein, all terms of the Stipulation and Order are approved and adopted and hereby issued as an Order of this Board this the 18 day of August, 20 16.

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

By: Peter G. Miller  
Peter G. Miller, PSS  
Board Chair

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of William L. Toney, Jr.  
Applicant for Licensure as a Professional Engineer by Comity

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 19<sup>th</sup> day of August, 2016, she served the attached **Stipulation and Order For Granting Application For Licensure by Comity**, 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. William L. Toney, Jr.  
18069 Stanaford Road  
Post Office Box 134  
Danese, West Virginia 25831

**CERTIFIED MAIL**  
**Return Receipt Requested**  
**7003 3110 0004 8527 7815**

Lynette DuFresne  
Lynette DuFresne

Subscribed and sworn to before me on  
this the 19<sup>th</sup> day of August, 2016.

Holly Ann Salmela  
(Notary Public)

