

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

**In the matter of Anthony Ooten
PROFESSIONAL ENGINEER
License Number 48468**

STIPULATION AND ORDER

Board File No. 2017-0029

TO: Anthony Ooten
1806 Danbury Court
Powder Springs, Georgia 30127

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2016) and Minnesota Statutes section 326.111 (2016) 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 Anthony Ooten ("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 was first issued a Professional Engineer license by the Board on August 24, 2010. 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 August 24, 2010.

b. Respondent renewed his Minnesota Professional Engineer license on June 30, 2016.

c. At the time of this Stipulation and Order, Respondent's Professional Engineer license in the State of Minnesota is current.

d. Respondent renewed his Minnesota Professional Engineer license on-line on June 30, 2016 at 6:32 P.M. At that time, Respondent affirmed that he had fifty-seven (57) Professional Development Hours and he affirmed he had met the ethics requirement.

e. In a letter dated September 23, 2016, the Board notified Respondent that he had been selected as part of the Board's continuing education audit.

f. In this same letter dated September 23, 2016, the Board notified Respondent that he must submit supporting documentation for a minimum of twenty-four (24) Professional Development Hours, of which two (2) hours must have been in ethics, that had been earned between July 1, 2014 and June 30, 2016 (the 2018 renewal period).

g. Respondent did submit supporting documentation for the continuing education audit on November 3, 2016. Attached to the Continuing Education Reporting form was a certificate of completion for two (2) hours of ethics training,

"The Right Choice: Applying Ethics to Engineering" taken on December 21, 2012. Respondent submitted two (2) hours of ethics from the reporting period of 2012-2014. Although the Respondent did have twelve (12) hours of carryover hours from the 2012-2014 renewal period, pursuant to Minnesota Statutes 326.107, subdivision (1) (b) (2016), ethics hours cannot be carried over to a subsequent reporting period. Respondent's supporting documentation was, therefore, deficient in the two (2) hours dedicated to professional ethics.

h. In a letter to the Board dated February 16, 2017, Respondent stated: "At the time I completed the on-line application on June 30, 2016, I believed that my statements were true. Unfortunately I failed to confirm my belief by checking my CE log prior to completing the form." "Also, if this helps, I have completed 3 ethics courses (8 pdh) since the end of the last biennium reporting period. I acknowledge that they in no way apply to the reporting period in question, but hope that the fact that I am acquiring ethics ceu's is a positive factor."

i. Respondent submitted, and the Board accepted, the "Indiana – Statutes, Rules, and Ethics for Professional Engineers" on-line course that the Respondent completed on July 29, 2016 for three (3) Professional Development Hours, to fulfill the two (2) hours of ethics required for his license renewal. Respondent's completion of this two (2) hour course cannot be counted toward any continuing education requirements in the 2018-2020 renewal period.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.111, subdivisions 4 (a) (1) and 4 (a) (8)

(2016), Minnesota Statutes section 326.107, subdivisions 1 (a) and 1 (b) (2016), and Minnesota Rules 1805.0200, subpart 2 (2015) and are sufficient grounds for the action specified below. Specifically, it is alleged that the Respondent: (a) submitted a materially false statement in connection with his on-line renewal application on June 30, 2016, by affirming he had two (2) professional development hours in ethics during the reporting period relevant to his license renewal; and (b) Respondent failed to provide supporting documentation to substantiate two (2) hours dedicated to professional ethics during the reporting period relevant to his license renewal and, therefore, failed to meet the continuing education requirements for renewal of his license on June 30, 2016.

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 Five Hundred Dollars (\$500.00). Respondent shall submit a civil penalty of Five Hundred Dollars (\$500.00) by check or money order to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.
- c. Respondent shall cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

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 (2016), 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 (2016), 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 (2016), 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 (2016). 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 (2016). 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

Anthony H. Ooten
Anthony Ooten, PE

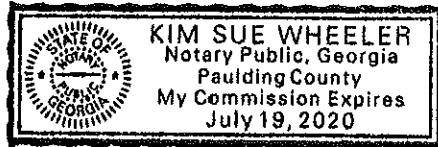
Dated: April 24, 2017

SUBSCRIBED and sworn to before me on
this the 24 day of April, 2017.

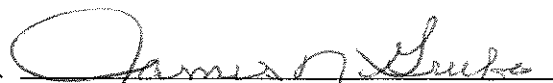
Kim Sue Wheeler
(Notary Public)

My Commission Expires:

July 19, 2020



COMPLAINT COMMITTEE

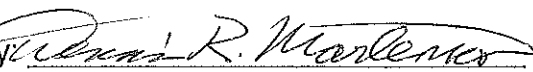

James N. Grube, P.E.
Committee Chair

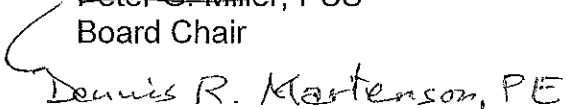
Dated: 5/11, 2017

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 11th day of May, 2017.

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

By 
Peter G. Miller, PSS
Board Chair


Dennis R. Martenson, PE

