

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

In the matter of Nicholas Hoffman
PROFESSIONAL ENGINEER
License Number 56276

STIPULATION AND ORDER

Board File No. 2019-0077

TO: Nicholas Hoffman, PE
2008 Stampede Drive
Spearfish, SD 57783

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2018) and Minnesota Statutes section 326.111 (2018) 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 Nicholas Hoffman ("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 Minnesota Professional Engineer

license by the Board on August 8, 2018. 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 8, 2018.

b. At the time of this stipulation and order, Respondent's Minnesota Professional Engineer license is valid.

c. During a monthly check of the NCEES national database for disciplinary action, the Board discovered that the South Dakota Board of Technical Professions suspended Respondent's South Dakota Professional Engineering license for engaging in fraudulent, deceptive, or dishonest conduct pursuant to S.D. Codified Laws § 36-18A-56(2), (4). The conduct involved embezzlement and resulted in a felony conviction under S.D. Codified Laws §§ 22-30A-7, 22-30A-10, and 22-30A-17. *State v. Hoffman*, Lawrence Cty. CRI-18-338.

d. On November 15, 2018, the South Dakota Board of Technical Professions issued a consent agreement suspending Respondent's Professional Engineer license until the terms of his criminal sentence are completed and imposing a \$500 civil penalty.

e. Respondent failed to notify the Board of his felony conviction within 10 days and of the South Dakota consent agreement within 60 days.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.111, subdivision 4a (1), (2), (4), (6), and (7) (2018); Minnesota Rules 1800.0120, subpart 1 C and D (2018); Minnesota Rules 1805.0200, subpart 4 B and C (2017);

and Minnesota Rules 1805.0700 (2017) and are sufficient grounds for the action specified below. Specifically, it is alleged that Respondent: (a) engaged in acts that are fraudulent, deceptive, or dishonest; (b) engaged in illegal conduct involving moral turpitude; (c) failed to report a felony conviction within 10 days; and (d) failed to report disciplinary action taken in another jurisdiction within 60 days.

4. Enforcement Action. Respondent and the Committee agree that the Board should issue an order in accordance with the following terms:

a. Suspension. Respondent's Minnesota Professional Engineer license is SUSPENDED through June 30, 2020. Respondent may not practice or provide professional engineering services during this period.

b. Continuing Education. Respondent must earn eight additional professional development hours related to professional ethics by June 30, 2020. These hours will not count toward Respondent's continuing education requirement for the July 1, 2018 to June 30, 2020 reporting period. Respondent must submit proof satisfactory to the Board of completing eight additional professional development hours.

c. Reinstatement. Respondent may apply for the reinstatement of his Minnesota Professional Engineer license beginning July 1, 2020. Respondent must have met the terms and conditions as stated in the South Dakota Board of Technical Professions consent agreement effective November 15, 2018. Respondent must submit proof to the Board of having completed the terms and conditions as stated in the South Dakota consent agreement prior to applying for the reinstatement of his license. Respondent must comply with all provisions of his South Dakota consent agreement in

order to maintain eligibility for reinstatement of his license.

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, and to dispute the appropriateness of discipline in a contested-case proceeding pursuant to Minnesota Statutes Chapter 14 (2018). 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. 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 (2018), 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.

7. 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.

8. 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.

9. 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 (2018). 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 (2018). 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.

10. 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.

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

12. 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

Nicholas Hoffman, PE

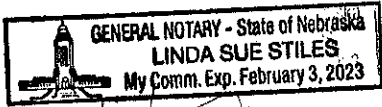
Dated: May 14, 2019

SUBSCRIBED and sworn to before me on this the 14 day of May, 2019.

(Notary Public)

My Commission Expires:

2-3-2023



COMPLAINT COMMITTEE

Keith Rapp, PE
Committee Chair

Dated: 6-28, 2019

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 28th day of June, 2019.

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

By: Board Chair

Margaret S. Parsons, AIA

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Nicholas Hoffman
PROFESSIONAL ENGINEER
License Number 56276

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Matt Kaehler, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on this the 28th day of June, 2019, he 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:

Nicholas Hoffman, PE
2008 Stampede Drive
Spearfish, SD 57783

CERTIFIED MAIL
Return Receipt Requested
7017 3040 0000 1241 2189

Matt Kaehler
Matt Kaehler

Subscribed and sworn to before me on
this the 28th day of June, 2019.

Holly Ann Salmela
(Notary Public)

