

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

**In the matter of Mingqiao Zhu
PROFESSIONAL ENGINEER
License Number 42100**

STIPULATION AND ORDER

Board File No. 2018-0038

TO: Mingqiao Zhu, PE
1428 N Shevlin Ct.
Sewickley, PA 15143

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 Mingqiao Zhu ("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 7, 2002. 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 Minnesota Professional Engineer on August 7, 2002.

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

c. During a monthly check of disciplinary actions on the professional engineering national database, NCEES, the Board discovered that Respondent had been issued a Consent Order by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors effective March 29, 2018.

d. The Oklahoma Order issued a total of \$7,000 in administrative penalties and a reprimand for the following conduct: (1) Aiding and assisting another in offering and practicing engineering services in the State of Oklahoma without a Certificate of Authority; and (2) Signing, sealing, and dating the engineering services for five Oklahoma projects that were not prepared under his direct control and personal supervision.

e. Respondent did not report the Oklahoma Board's disciplinary action to the Board until May 14, 2018 when he submitted his license renewal for the 2018-2020 licensing period.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statute section 326.111, subdivision 4(a) (2), (6), (7), and (9) (2018), Minnesota Statute section 326.12, subdivision 3 (2018), Minnesota Rules

1800.0120, subpart 1D, and Minnesota Rules 1805.0200, subparts 1, 4C, and 4E (2018) and are sufficient grounds for the action specified below. Specifically, it is alleged that Respondent: (a) engaged in conduct or acts that are dishonest and reflect adversely on his ability to practice engineering; (b) has had his professional engineering license disciplined in another jurisdiction; (c) attached his seal or signature to plans not prepared by him or under his direct supervision; and (d) failed to inform the Board of disciplinary action taken in another jurisdiction within the required timeframe.

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

a. Reprimand. Respondent's Professional Engineer license is censured and reprimanded for the foregoing conduct.

b. Civil Penalty. Respondent shall pay to the Board a civil penalty of \$500.00. Respondent shall submit the \$500.00 by check or money order to the Board within 60 days of the Board's approval of this Stipulation and Order.

c. Respondent shall earn an additional four professional ethics PDH within 60 days of the signing of this Stipulation and Order. These ethics hours shall not count toward Respondent's 2018-2020 renewal requirement.

d. Respondent shall complete four professional ethics PDH, and provide proof of completion to the Board, within 60 days of the Board's approval of this Stipulation and Order. Failure to do so will result in the suspension of Respondent's Professional Engineer license until he completes, and provides proof of completion to the Board, the four PDH required by this agreement.

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 (2018), 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 (2018), after 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 (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.

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 (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.

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



Mingqiao Zhu, PE

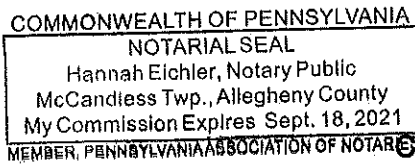
Dated: Feb. 11, 20 19

SUBSCRIBED and sworn to before me on this the 11 day of February, 20 19.

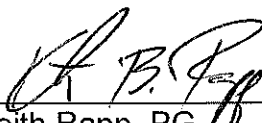


(Notary Public)

My Commission Expires:
09/18/2021



COMPLAINT COMMITTEE



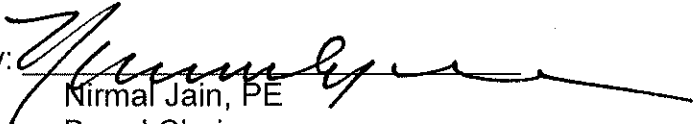
Keith Rapp, PG
Committee Chair

Dated: 22-MARCH, 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 22 day of MARCH, 2019.

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

By: 
Nirmal Jain, PE
Board Chair

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Mingqiao Zhu
PROFESSIONAL ENGINEER
License Number 42100


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 25th day of March, 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:

Mingqiao Zhu, PE
1428 N Shevlin Court
Sewickley, PA 15143

CERTIFIED MAIL
Return Receipt Requested
7018 2290 0000 0508 4107



Matt Kaehler

Subscribed and sworn to before me on
this the 25th day of March, 2019.



(Notary Public)

