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

In the matter of Mark Harris
Land Surveyor
License Number 26325

STIPULATION AND ORDER

FEB 20 200 **Board File No.2005-0025**

TO: Mark Harris
15151 Greenhaven Drive #112
Burnsville, MN 55306

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2006) and Minnesota Statutes section 326.111 (2006) 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 Mark Harris ("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 has held a license to practice Land Surveying from the Board since November 24, 1998. 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 to practice Land Surveying in the State of Minnesota on November 24, 1998.

b. On June 30, 2004, Respondent's license to practice Land Surveying in the State of Minnesota expired.

c. Respondent renewed his expired Land Surveying license on November 2, 2004.

d. Respondent admits that he did provide two surveys to the McDonald Construction during the time his Land Surveying license had expired. In Respondent's letter to the Board dated September 25, 2006, he admits: "I did provide the two surveys to McDonald Construction, but I did not have knowledge that my License had expired and was invalid at that time". In Respondent's letter to the Board dated September 25, 2006, he states: "I only became aware that my License/Certification was expired when I read the Second and Final Notice from the Board dated October 15, 2004. I then immediately filled out the form and sent the application and renewal fee back to the Board on October 30, 2004." A true and correct copy of Respondent's September 25, 2006 letter is attached hereto as Exhibit A.

e. Respondent signed a Certificate of Survey for McDonald Construction on October 27,2004 . A true and correct copy of the Certificate of Survey for the McDonald Construction signed on October 27, 2004 is attached

hereto as Exhibit B.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes sections 326.02, subdivision 1 and 326.03, subdivision 1 (2006) and are sufficient grounds for the action specified below.

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 One Thousand Dollars ($1,000.00). Respondent shall submit a civil penalty of One Thousand Dollars ($1,000.00) 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, Minnesota Statutes section 326 (2006), or Minnesota Rules Chapter 1800 (2005) or Minnesota Rules Chapter 1805 (2005), 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 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 (2006), 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 (2006), 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 (2006), 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 (2006). 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 (2006). 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 Land Surveying.

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 knowingly waived legal representation.

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

Mark C Harris

Mark Harris

Dated: 2/16, 2007

COMPLAINT COMMITTEE

By: Billie Lawton/PM
Billie Lawton, Public Member,

Committee Chair

Dated: 2-22, 2007

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 23rd day of March, 2007.

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

By: Harvey H. Harvala
Harvey H. Harvala, PE
Board Chair

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September 25, 2006

Board of Architecture, Engineering, Land Surveying, Landscape Architecture,
Geoscience & Interior Design
85 East 17th Place, Suite 160 Saint Paul, Minnesota 5501-2113

RE; FILE NUMBER 2005-0025

In regards to the complaint registered under the above file number, I submit the following:

I did provide the two surveys to McDonald Construction, but I did not have knowledge that my License had expired and was invalid at that time. I only became aware that my License/Certification was expired when I read the Second and Final Notice from the Board dated October 15, 2004. I then immediately filled out the form and sent the application and renewal fee back to the Board on October 30, 2004.

Please note that I believe Lot 83 was surveyed in July of 2002 with the garage on the right but was not used because Lot 83 was resurveyed on June 28th, 2004 with the garage on the left. I did not put on an earlier date. The 7/1/02 was a date I submitted the first survey to McDonald Construction.

Please also note that I believe Lot 17 was surveyed October 27th 2004 and was resubmitted on November 10, 2004. Lot 17 was also surveyed in July of 2001, but was not used because it was resurveyed in October and November of 2004.

Again I did not knowingly present myself as a Licensed Surveyor as I was not aware that my License had expired. I am very sorry that this happened. I believe I resubmitted the Lot 17 survey to Mr. Feidt and discussed this with him when it was resubmitted in November.

Enclosed please find copies of the text print outs generated automatically by my "Sight" Survey program that list the dates automatically when program is used. Copies of the Certificates generated are also included.

EXHIBIT A

To my knowledge I did not generate any other drawings during this time period or present myself as a Licensed Surveyor. I am still searching through files and will provide more as it becomes available.

I have enclosed a business card but do not know if I ever handed any out during this time.

Sincerely,

Mark C Harris

Mark C. Harris

PYRAMID FIELD SERVICES CORPORATION

15151 Greenhaven Drive, #112
Burnsville, Minnesota 55306
Phone (952) 898-1911

Certificate of Survey for: McDonald Construction

LOT 17, BLOCK 1,
STERLING SOUTH AT THE WILDS
Scott County Minnesota

Scale: 1 inch = 20 feet

Bearings shown are assumed

- Denotes Existing Elevation
- Denotes Proposed Elevation
- Denotes Drainage & Utility Easement
- Denotes Drainage Flow Direction
- Denotes Monument Set
- Denotes Monument Found
- Denotes Offset Hub

PROPOSED HOUSE ELEVATION
Lowest Floor Elevation: 997.3
Top of Block Elevation: 1006.0
Garage Slab Elevation: 1005.0

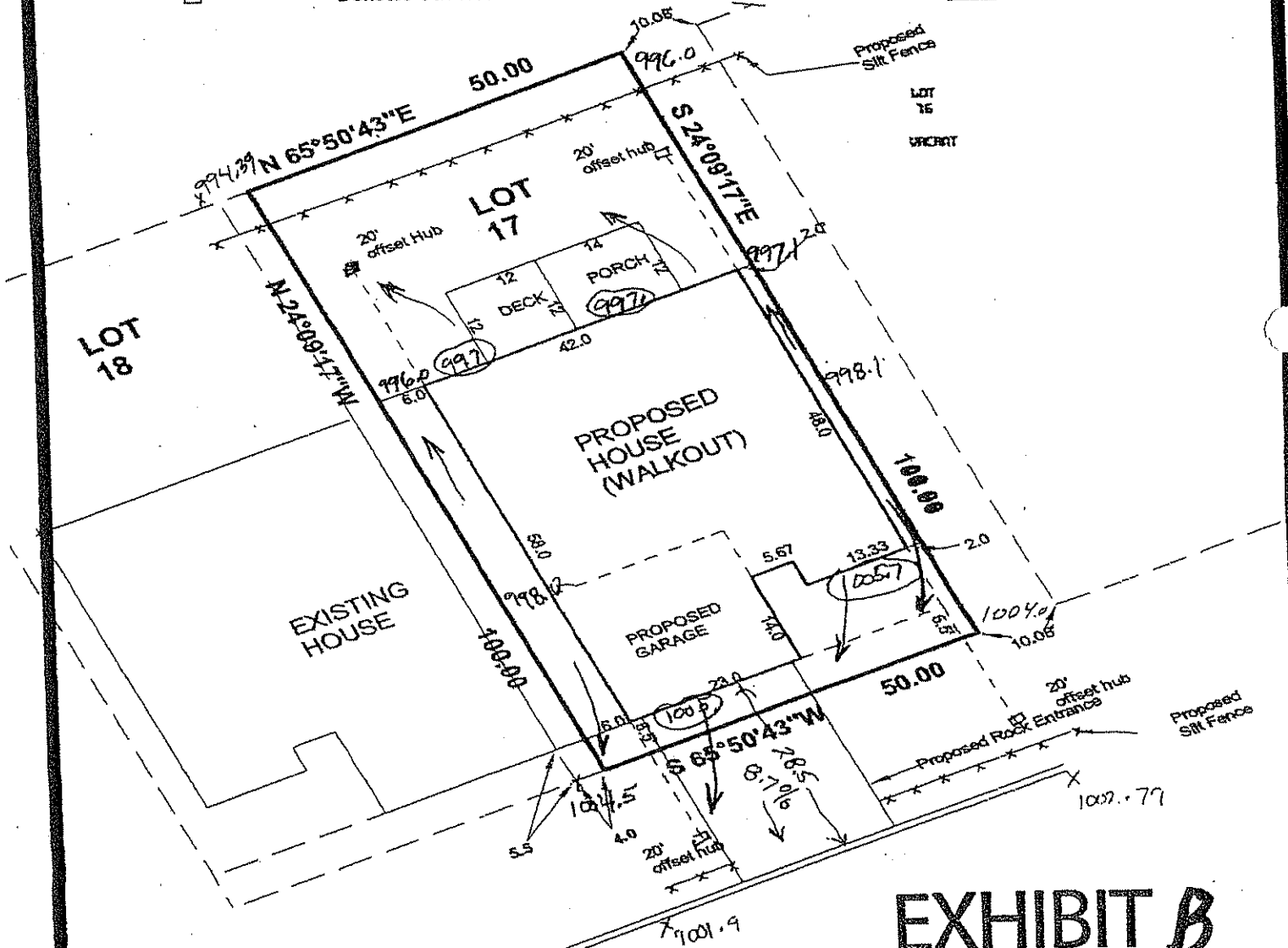

EXHIBIT B

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

Land Surveyors Name: Mark C. Hassler
License #: 26325
Date: 10/27/04

6-30-2006 Rescinded — 6-30-2004