

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

OAH Docket No. 3-1006-19281-2

In the Matter of
the Architect License of
Alvah Breitweiser

**FINDINGS OF FACT,
CONCLUSIONS, AND
FINAL ORDER**

License No. 15118

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") convened on February 15, 2008 to consider the above-referenced matter concerning Alvah Breitweiser ("Respondent"). Michele M. Owen, Assistant Attorney General, represented the Complaint Committee and Bernard E. Johnson Assistant Attorney General, was present to advise the Board in this matter. Having reviewed the December 3, 2007 report of Administrative Law Judge Kathleen D. Sheehy ("ALJ report"), and the record in the above-referenced matter, the Board hereby issues the following:

FINDINGS OF FACT

1. The Board adopts the Findings in the ALJ report, which are attached and incorporated herein.
2. On October 19, 2007, the Board served a Notice of and Order for Prehearing Conference and Hearing upon Respondent at Respondent's last known address on file with the Board.
3. Respondent failed to appear at the prehearing conference held on November 28, 2007, and is in default in this proceeding.
4. Pursuant to Minn. R. 1400.6000, the allegations in the Notice of and Order for Prehearing Conference and Hearing are taken as true.

5. Any Conclusions of Law which should properly be termed Findings of Fact are hereby adopted as such.

Based on the foregoing Findings of Fact, the Board makes the following:

CONCLUSIONS

1. The Board adopts the Conclusions in the ALJ report, which are attached and incorporated herein.

2. The Board has jurisdiction in this matter under Minn. Stat. §§ 14.50 and 326.02-326.15.

3. The Board gave Respondent proper notice in this matter and has met all relevant substantive and procedural requirements of laws and rules.

4. Respondent violated Minn. Stat. §§ 326.11; 326.111, subdivision 4(a)(2), (3), (4), (5), (6), (8), and (9), 326.12; and Minn. R. 1800.4200, 1800.4300, 1805.0200, and 1805.0700.

5. The Board adopts the attached Memorandum summarizing the basis for its Order below.

6. Any Findings herein which should properly be termed Conclusions of Law are hereby adopted as such.

7. The following Order is in the public interest.

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following:

ORDER

1. IT IS ORDERED that Respondent's license to practice as an architect in the State of Minnesota is **REVOKED** effective immediately. Respondent shall immediately **SURRENDER** his license to the Board office.

2. IT IS FURTHER ORDERED that Respondent shall cease and desist from practicing as an architect in any manner in the State of Minnesota and from holding himself out to the public as an architect within the State of Minnesota.

3. IT IS FURTHER ORDERED that if Respondent wishes to seek reinstatement of his architect license, Respondent shall apply for relicensure pursuant to Minn. Stat. § 326.11 or petition the Board pursuant to Minn. Stat. § 326.111 and shall meet with the Board Complaint Committee at a time designated by the Committee. Pursuant to Minn. Stat. §§ 326.11 and 326.111, the Board may reissue or reinstate a license revoked upon application for reissuance or upon petition by Respondent, and the Board, may in its sole discretion, place any other conditions, including reexamination in whole or in part, upon reinstatement of a revoked license that it finds appropriate and necessary to ensure that the purposes of Minn. Stat. §§ 326.11-326.15 are met.

4. IT IS FURTHER ORDERED that Respondent's violation of this Order shall constitute unfitness by reason of negligence, habits, or other causes and provide grounds for further disciplinary action.

5. IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting following Respondent's application for reissuance or petition for reinstatement of his license and Respondent's meeting with the Board Complaint Committee, take any of the following actions:

- a. Reissue or reinstate a license to Respondent;
- b. Reissue or reinstate a license to Respondent conditional upon further reports to the Board and limitations placed upon the scope of Respondent's practice;
- c. Continue the revocation of Respondent's license upon Respondent's failure to meet the burden of proof;
- d. Require Respondent to pay to the Board all fees Respondent would have had to pay to the Board had he maintained an active license pursuant to Minn. Stat. § 326.105; or

e. Require Respondent to report to the Board all past due continuing education credits pursuant to Minn. Stat. § 326.107.

Dated: FEBRUARY 15, 2008

STATE OF MINNESOTA
BOARD OF ARCHITECTURE,
ENGINEERING, LAND SURVEYING,
LANDSCAPE ARCHITECTURE,
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By: 

Board Chair

MEMORANDUM

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is revoking the architect license of Respondent, Alvah Breitweiser, as specified in the Board's Order.

Respondent's repeated violations of the law, which include being convicted of bank fraud, attaching his seal or signature to an architectural document not prepared by him or under his direct supervision, failing to disclose on his 2004 and 2006 Minnesota licensure renewal applications that disciplinary action was taken by other jurisdictions, having other jurisdictions revoke or suspend his license to practice architecture, and having the National Council of Architectural Registration Board revoke his certification, justify taking disciplinary action against Respondent's Minnesota license to practice as an architect. Moreover, based on Respondent's continued disregard of and violation of applicable laws and rules, it is reasonable for the Board to conclude that the revocation of Respondent's architect license is in the public interest.