

MAY 18 2009

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

In the Matter of  
Rafic Chehour  
Expired PE License Number 20485

FINDINGS OF FACT,  
CONCLUSIONS, AND ORDER

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design (the "Board") has been created under the authority contained in Minn. Stat. § 326.04. The Board is authorized, pursuant to the authority contained in Minn. Stat. §§ 214.10 and 326.111, subd. 4(a)(1), to take action if an individual fails to comply with an order issued by the Board. The Board has, in accordance with the authority contained in Minn. Stat. § 326.111, subd. 1(b), created a Complaint Committee to review complaints filed with the Board and to make recommendations regarding the resolution of such complaints.

The Board has been presented with information that Rafic Chehour ("Respondent") has previously entered into and consented to the Board's issuance of a Stipulation and Order, dated January 13, 2006, a copy of which is attached hereto and incorporated herein by reference, which contained certain conditions with which Respondent agreed and was required to comply. The Board has further been presented with information that Respondent has failed to comply with one of the conditions contained in the Stipulation and Order, the completion of a preapproved professional ethics course within one year of the date of the Board's January 13, 2006 Order. Based

on Respondent's failure to comply with the Board's January 13, 2006 Order, the Complaint Committee has made a recommendation that the Board take additional disciplinary action and order Respondent to successfully complete a professional ethics course approved in advance by the Complaint Committee and submit satisfactory documentation thereof to the Board within 90 days of the Board's Order, and order Respondent to pay a civil penalty in the amount of \$1,500, by money order or cashier's check payable to the Board, within 30 days of the Board's Order, after which Respondent may apply to reinstate his Professional Engineering license after providing to the Board satisfactory documentation of successful completion of the required professional development hours due from July 1, 2004 through the date when Respondent applies for reinstatement and paying the outstanding reinstatement fees owed to the Board.

Pursuant to the provisions contained in Paragraph 5 of the January 13, 2006 Stipulation and Order, this matter was brought before the Board on May 7, 2009. Respondent was duly notified that this matter would be considered by the Board on such date. Respondent was offered the opportunity to submit affidavits and a written response to the allegations in the Board's Notice of Hearing to Consider Additional Discipline, and to appear before the Board. Assistant Attorney General Michele M. Owen appeared on behalf of the Complaint Committee. Assistant Attorney General Christopher M. Kaisershot was present to advise the Board. Respondent appeared before the Board on his own behalf/appeared with legal counsel/did not appear. Based upon the files and records of the Board, the attached Affidavit of Doreen Johnson

Frost, and the findings and recommendation of the Complaint Committee, the Board hereby makes the following findings of fact and conclusions.

#### FINDINGS OF FACT

1. Respondent voluntarily agreed to enter into and execute the Stipulation and Order, dated January 13, 2006.
2. One of the conditions contained in Paragraph 4(b) of the January 13, 2006 Stipulation and Order was the requirement that Respondent must successfully complete a course in professional ethics approved in advance by the Complaint Committee within one year of the date of the Stipulation and Order.
3. On June 30, 2006, Respondent's Professional Engineering license expired and Respondent has not renewed his license.
4. Respondent has not, as of the date of this Order for Additional Discipline, supplied any information, documentation, or evidence to the Board indicating that he has successfully completed the approved course in professional ethics referred to in Paragraph 2 hereinabove.
5. Because of Respondent's failure to timely comply with all the conditions contained in the January 13, 2006 Stipulation and Order, the Complaint Committee has recommended to the Board that Respondent successfully complete a professional ethics course approved in advance by the Complaint Committee and submit documentation thereof to the Board within 90 days of the attached Board Order, and pay a civil penalty in the amount of \$1,500 within 30 days of the attached Board Order, after which he may then apply to reinstate his Professional Engineering license after providing to the Board

satisfactory documentation of successful completion of the required professional development hours due from July 1, 2004 through the date when he applies for reinstatement and paying the outstanding reinstatement fees owed to the Board.

### CONCLUSIONS

1. In Paragraph 5(b) of the January 13, 2006 Stipulation and Order, Respondent waived any right to a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials regarding the imposition of additional disciplinary action based on a violation of that Stipulation and Order, and agreed to the process and procedures used by the Board in this matter.

2. Respondent's failure to timely successfully complete a course in professional ethics approved in advance by the Complaint Committee, as required by the January 13, 2006 Stipulation and Order, is a violation of the Stipulation and Order and a violation of Minn. Stat. § 326.111, subd. 4(a)(1).

3. In accordance with the provisions contained in Paragraph 5(c) of the January 13, 2006 Stipulation and Order, the Board may impose additional discipline.

4. The Complaint Committee's recommendation that Respondent must pay a civil penalty in the amount of \$1,500 and successfully complete a professional ethics course approved in advance by the Complaint Committee before he may apply for reinstatement of his Professional Engineering license is supported by the record, is appropriate, and is not excessive.

5. This order is in the public interest.

## ORDER

Based upon all of the evidence in the record, the Board hereby adopts and incorporates herein the foregoing Findings of Fact and Conclusions. Based upon the foregoing Findings of Fact and Conclusions, the Board does hereby **ORDER** as follows:

A. Respondent shall pay a **CIVIL PENALTY** in the amount of \$1,500, to the Board, by money order or cashier's check payable to the Board. Further, pursuant to Minn. Stat. § 16D.13, subd. 1, Respondent is notified that 30 days after the date of this final order, simple interest computed in accordance with Minn. Stat. § 16D.13, subd. 2 will begin to accrue on the amount of the civil penalty ordered;

B. Before he may apply for reinstatement of his Professional Engineering license, or otherwise apply for any other license or certificate issued by the Board, Respondent must (1) pay the civil penalty imposed by this Order, and (2) submit satisfactory documentation to the Board that he has successfully completed a professional ethics course approved in advance by the Complaint Committee as required by the January 13, 2006 Stipulation and Order. Completion of this professional ethics course shall not count toward any continuing education requirements pursuant to Minn. Stat. § 326.107; and,

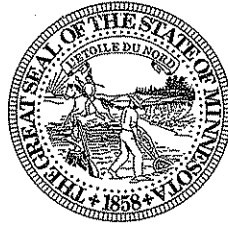
C. Upon compliance with this Order and the January 13, 2006 Stipulation and Order, Respondent may apply for reinstatement of his Professional Engineering license after providing to the Board satisfactory documentation of successful completion of the required professional development hours due from July 1, 2004

through the date when he applies for reinstatement and paying the outstanding reinstatement fees owed to the Board.

Dated: May 7, 2009

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

By: Kristine A. Kuber, vice chair  
Board Chair *for Board Chair*  
*Diane Blende*



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

May 11, 2009

Mr. Rafic Chehouri  
Gerber Jewelers  
1089 Grand Avenue  
Saint Paul, Minnesota 55105

RE: **In the Matter of Rafic Chehouri,  
Expired PE License Number 20485**

Dear Mr. Chehouri:

It is my pleasure to inform you that the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design ("Board") has approved the Findings of Fact, Conclusions, and Order issued by the Board on May 7<sup>th</sup>, 2009. Accordingly, herewith and served upon you.

Enclosed and served upon you please find the Findings of Fact, Conclusions, and Order.

Upon receipt of this correspondence, should you have any questions, please contact the investigator assigned to this file, Lynette DuFresne, or the undersigned.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Doreen Frost".

Doreen Frost  
Executive Director

Enclosure: As referenced

85 East 7th Place, Suite 160, St. Paul, MN 55101  
p. 651.296.2388 ■ f. 651.297.5310 ■ TTY 800.627.3529  
[www.aelslagid.state.mn.us](http://www.aelslagid.state.mn.us)





AFFIDAVIT OF PERSONAL SERVICE

RE: In the Matter of Rafic Chehouri,  
Expired PE License Number 20485

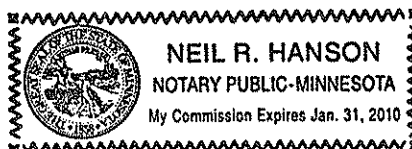
STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )

I, Christopher Rand, being first duly sworn deposes and says:

That on the 12th day of May, 2009 at 10:35 a.m. / p.m., in the City of St. Paul, County of Ramsey, State of Minnesota, Affiant, personally served the attached **FINDINGS OF FACT, CONCLUSIONS, AND ORDER** upon **RAFIC CHEHOURI** by handing and leaving with Rafic Chehouri a true and correct copy thereof.

*Christopher Rand*

Subscribed and sworn to before me on this the 13th day of May, 2009.



*Neil R. Hanson*  
NOTARY PUBLIC

WILLIAM B. HANSON  
WILLIAM B. HANSON  
1899

