

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

In the matter of
THOMAS ELLISON, ARCHITECT
AND CERTIFIED INTERIOR DESIGNER
Architect License Number 15691
Certified Interior Designer Number C00079

STIPULATION AND ORDER

BOARD FILE NO. 2011-0003

RECEIVED
DEC 03 2010

TO: Thomas Ellison
2724 West 43rd Street
Minneapolis, Minnesota 55410

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2010) and Minnesota Statutes section 326.111(2010) 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 Thomas Ellison ("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 an Architect license from the Board

since September 10, 1982 and a certification as a Certified Interior Designer (CID) since April 22, 1994. 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. a. Respondent was first licensed by the Board as an Architect on September 10, 1982.

b. On June 30, 2008, Respondent's Minnesota Architect license expired.

c. Respondent was issued a Certified Interior Designer (CID) certificate number C00079 on April 22, 1994 in the State of Minnesota.

d. Respondent allowed his CID certificate number C00079 to lapse on June 30, 2008.

e. Respondent renewed his Architect license and his certification as a Certified Interior Designer on July 1, 2010.

f. As of the date of this Stipulation, Respondent's Minnesota Architect license and certification as a Certified Interior Designer are current, with an expiration date of June 30, 2012.

g. In a letter to the Board dated July 2, 2010, Respondent self-reported that he held himself out as an Architect in Minnesota during the last biennium, the period during which his Architect license was expired. Respondent states: "I cannot sign the Affidavit for Reinstatement because of item 4. I have represented myself as an architect during the last biennium; however I have

done so completely unaware that I was not registered." A true and correct copy of the July 2, 2010 letter is attached as Exhibit A.

h. Respondent's business card used during the biennium of 07/01/2008 to 07/01/2010, the period during which his Minnesota Architect license was expired, states: "Tom Ellison, President AIA" and "Architects, Ellison & Nepp." A Minnesota business address appears on the business card. A true and correct copy of the Respondent's business card and marketing brochure is attached as Exhibit B.

i. In a marketing brochure used by the Respondent, it states: "Architects, Ellison & Nepp." A Minnesota business address appears in the marketing brochure. A true and correct copy of the Respondent's business card and marketing brochure is attached as Exhibit B.

j. On the Respondent's business letterhead, it states: "Architects, Ellison & Nepp." A Minnesota business address appears on Respondent's business letterhead. A true and correct copy of the Respondent's letterhead is attached as Exhibit C.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.02, subdivisions 1 and 2 (2010) 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 Five Hundred Dollars (\$1,500.00). Respondent shall submit a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) 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, 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 Complaint Committee may submit affidavits responding to any affidavits submitted by Respondent. 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 (2010), 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 (2010), 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 or a lesser remedy than specified herein, this Stipulation 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 (2010), 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 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 is classified as public data upon its issuance by the Board. Minnesota Statutes Chapter 13.41, subdivision 5 (2010). 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 (2010). 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 architecture and certified interior design.

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


Thomas Ellison

Dated: Nov. 30, 2010

COMPLAINT COMMITTEE

By: _____
Billie Lawton, Public Member,
Committee Chair

Dated: _____, 2010

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 ____ day of _____, 2010.

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

By: _____
Kristine A. Kubes, J. D.
Board Chair

[Faint, illegible handwritten or stamped text]

TEA₂

Friday, July 2, 2010

Minnesota Board of AELSLAGID
85.E. 7th Place, Suite 160
St. Paul, MN 55101

Dear Board:

I cannot sign the Affidavit for Reinstatement because of item 4. I have represented myself as an architect during the last biennium; however I have done so completely unaware that I was not registered.

A. Monday, June 28th, 2010

1. I tried to register online for my license and discovered that my license had lapsed.
2. This was a simple and complete oversight.
3. I have presumed that I was registered for the last biennium.

B. Continuing Education

1. My continuing education effort in the last 2 years is a clear indication that I have presumed that my license was intact.
2. The requirement for the last 2 years is 24 credits – I have earned 45.5.

C. TEA 2 Architects

1. I founded TEA 2 Architects 30 years ago. I was registered in 1980 and have kept my license continuously since then – for 28 years.
2. Our work is 100% single family residences – additions and new houses.
3. TEA 2 currently has 22 employees.
4. Registered Architects
 - a. I am one of two firm principals – both registered.
 - b. We have 6 registered architects in our firm.
 - c. We continuously encourage our architectural interns – with accredited degrees to take their tests and become registered architects. We support this by paying half of their test fees.
 - d. Even though our work is 100% single family residential design and professional registration is not required – we still strongly encourage it.
 - e. We have always been careful to distinguish between those who are registered and those who are not.
5. Firm Professionalism
 - a. We have always adhered and supported the highest standard of professionalism in our firm. We routinely discuss our responsibilities as an architectural firm to our clients and to society as a whole.

EXHIBIT A

Architects
Ellison & Nepp

2724 West 43rd Street, Minneapolis, Minnesota 55410 612-929-2800 Fax 612-929-2820

D. My Work over the Last Two Years

1. Beside administrative duties the bulk of my time is reviewing projects with our project managers and guiding their work.
2. A small portion of my time is interviewing potential clients. In those interviews I mostly talk about what our firm design approach is and I discuss our staff and their skills. I don't recall stating explicitly that I was a registered architect but I am sure the situation implies it.

E. Future

1. I want to continue to be an architect and manage TEA 2 architects. I believe our company to be one of the best residential firms in the state and I want to insure we stay that way far into the future
2. I will not allow my license to lapse in the future.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Tom Ellison". The signature is written in a cursive style with a long horizontal line extending to the right.

Tom Ellison, AIA
President,
TEA 2 Architects

TEA 2

Business
CARD

TOM ELLISON
PRESIDENT AIA
tom.ellison@tea2architects.com

Architects
ELLISON & NEPP
2724W 43rd St. Minn. MN 55410
612.929.2800 Fax 929.2820

TEA 2

Architects
ELLISON & NEPP

EXPLORE
OUR NEW WEBSITE
www.tea2architects.com

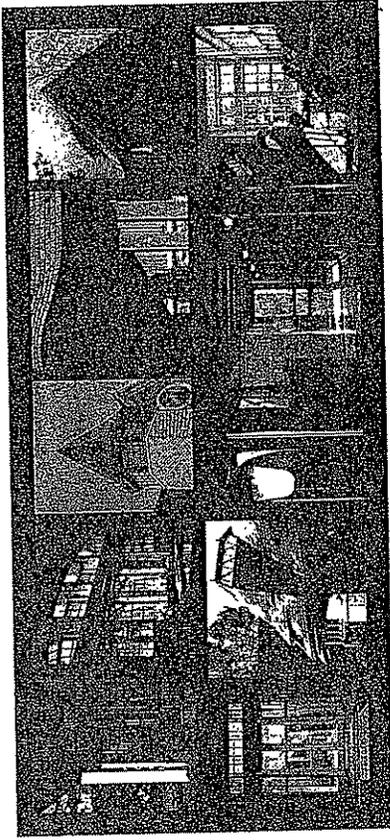


EXHIBIT B

as



TEA2
Architects
Ellison & Nepp
2724 W. 43rd St.
Mpls, MN 55410
612.929.2800



DISTINCTIVE RESIDENTIAL ARCHITECTURE
NEW HOMES | ADDITIONS | RENOVATIONS | INTERIORS | RETREATS

LOOK AT "IN PROGRESS"
FOR WHAT'S COMING

www.tea2architects.com



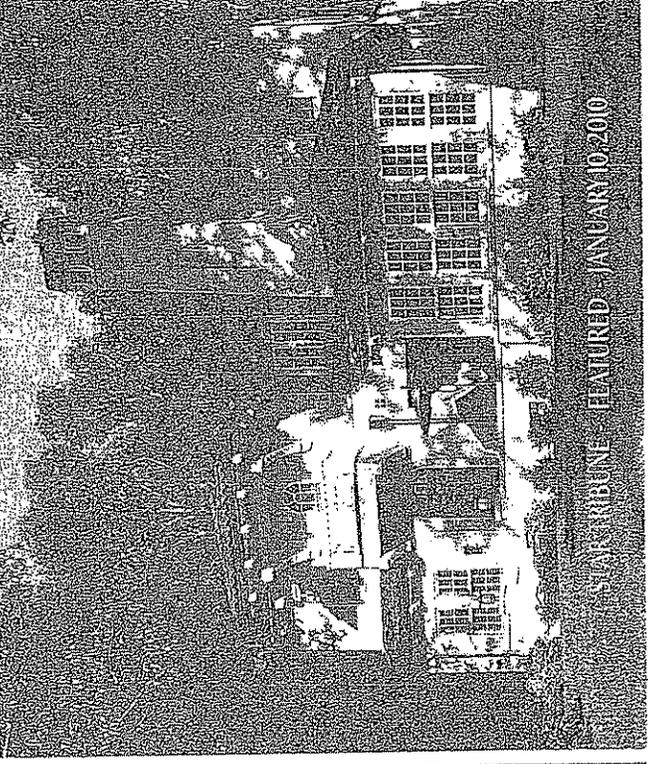
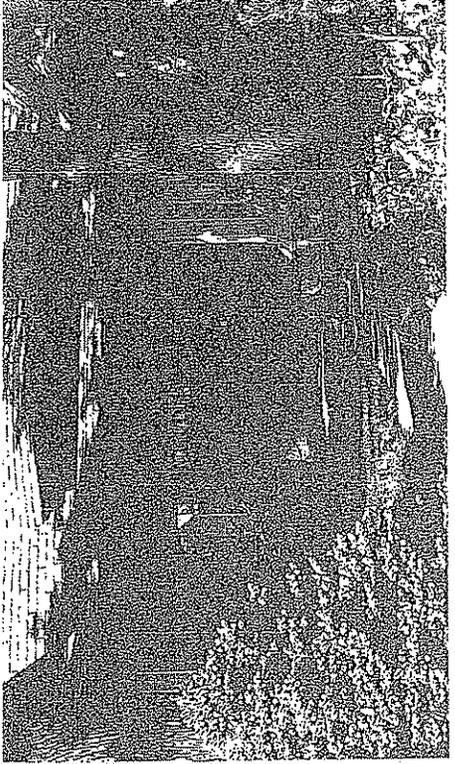
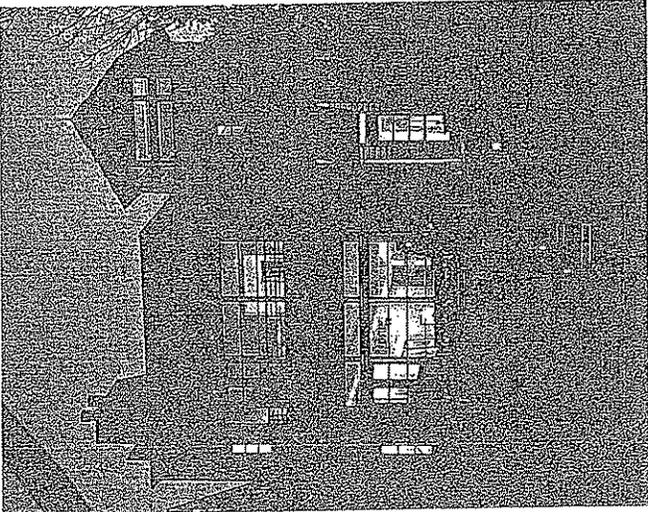
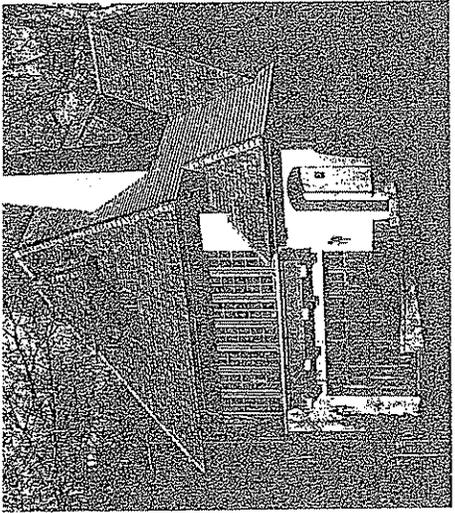
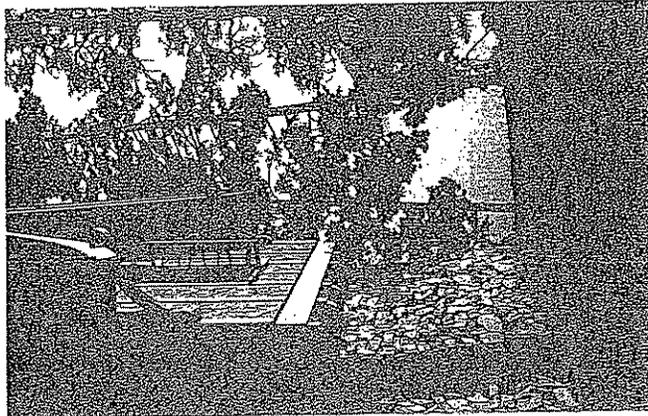
TEA 2

Architects

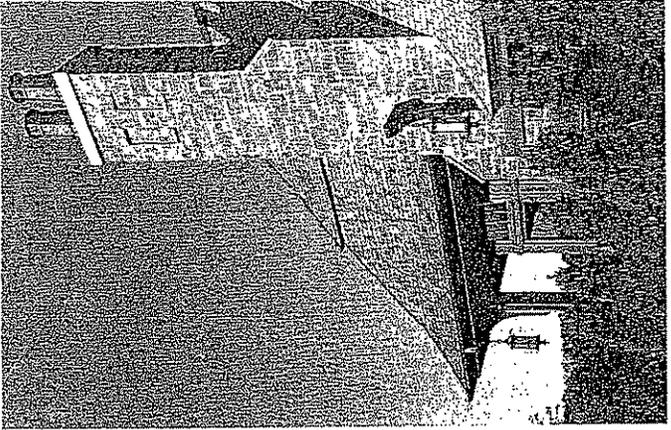
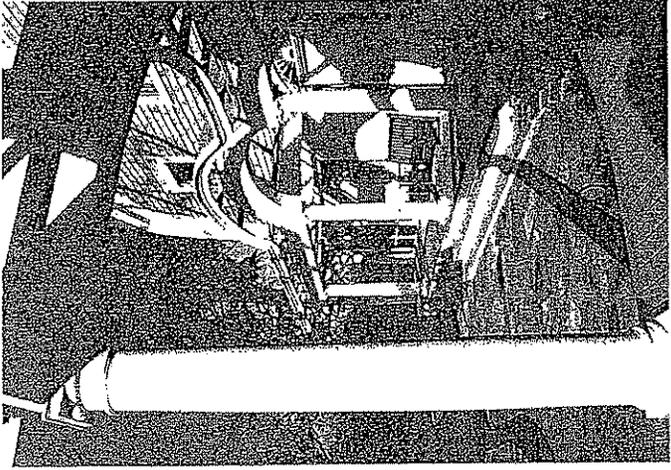
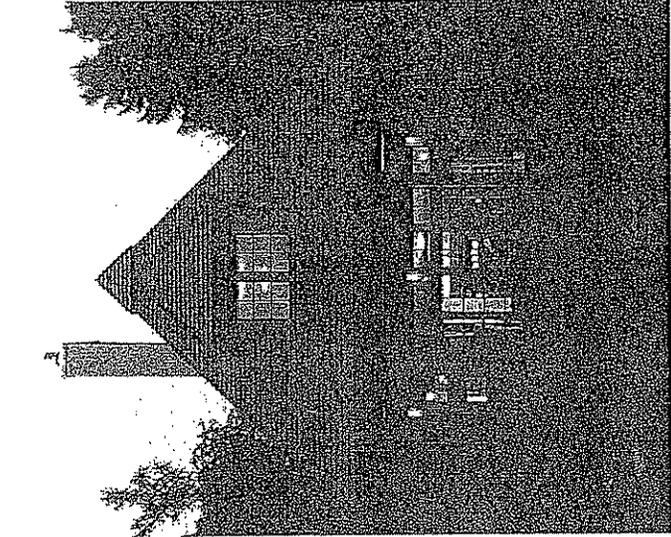
DISTINCTIVE
RESIDENTIAL
ARCHITECTURE



Retreats
Additions
Renovations
New Houses



STAR TRIBUNE - FEATURED - JANUARY 10, 2010



TEA₂

Architects

We work with great enthusiasm whether we are adding a front door portico or designing a new house. We seek thoughtful and inspired solutions, and strive for a timeless, enduring quality in all our designs. For 30 years our work has been divided evenly between addition/renovations and new houses.....can you tell the difference?

Architect of Distinction Award
AIA Minnesota & Midwest Home Magazine

2010 - Tom Ellison, TEA₂ Founder
2008 - Dan Nepp, TEA₂ Principal

Visit with us
at our office
612-929-2800
or our web site:
tea2architects.com

