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

APR 05 2011

In the matter of Roger Cummelin
ARCHITECT
License Number 20897
Not Certified as a Certified Interior Designer

STIPULATION AND ORDER

Board File No. 2010-0056

TO: Mr. Roger Cummelin
6257 Warwick Street
Saint Paul, Minnesota 55116-1541

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 Roger Cummelin ("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 was first issued a license to practice

architecture by the Board on September 28, 1990. 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 an Architect in the State of Minnesota on September 28, 1990.

b. On July 1, 2008, Respondent's Minnesota Architect's license in the State of Minnesota expired.

c. On March 5, 2010, on the website for ALTUS Architecture + Design, www.altusarch.com/biograhpy_rcummelin.html, it shows the Respondent with the title of "Roger Cummelin, AIA CID." A true and correct copy of the March 5, 2010 website, www.altusarch.com/biography_rcummelin.html, is attached as Exhibit A.

d. On this same website dated March 5, 2010, www.altusarch.com/biography_rcummelin.html, Exhibit A, it states that the Respondent is a "Registered Architect, State of Minnesota."

e. In a letter dated March 16, 2010, Respondent states: "I was personally unaware that the website page you referred to (www.altusarch.com/biography_rcummelin.html) contained the phrase "Registered Architect, State of Minnesota". I was not the author of this webpage, nor do I have a role in the publication of the firm's website. I have requested that my employer, Altus Architecture + Design, immediately correct this error. On March 10, 2010 the aforementioned phrase was removed from the website."

A true and correct copy of the March 16, 2010 letter is attached as Exhibit B.

f. Respondent renewed his Minnesota Architect's license on May 18, 2010. Respondent's Minnesota Architect's license was lapsed from July 1, 2008 through May 17, 2010.

g. Respondent's Minnesota Architect license is current with an expiration date of June 30, 2012.

h. Respondent has never been certified as a Minnesota Certified Interior Designer.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.02, subdivisions 1, 2, and 4b (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.

c. Cease and Desist. Respondent shall cease and desist from holding himself out as a Certified Interior Designer, CID, until such time as he becomes certified as a certified interior designer in the State of Minnesota.

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 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 (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 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 (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.

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

Roger A. Cummelin

Roger Cummelin

Dated: April 4, 2011

COMPLAINT COMMITTEE

By: Billie Lawton

Billie Lawton, Public Member,
Committee Chair

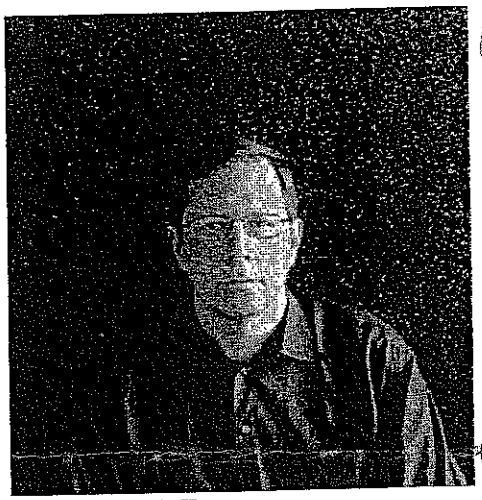
Dated: April 6, 2011

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 2nd day of May, 2011.

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

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



<BACK] [HOME]

Roger Cummelin, AIA CID

Education

Bachelor of Architecture
University of Minnesota, School of Architecture, 1982
Bachelor of Environmental Design
University of Minnesota, School of Architecture, 1982
Undergraduate Studies, Egypt and Greece, 1980

Memberships &Awards

American Institute of Architects (AIA)
AIA Minnesota
Registered Architect, State of Minnesota
Progressive Architecture Citation, 2003, Mayo Woodlands

RESIDENTIAL INTERIORS COMMERCIAL FURNITURE NEWS ABOUT ALTUS CONTACT

EXHIBIT A

MAR 1 7 2010

March 16, 2010

CONFIDENTIAL
By Certified U.S. Mail
Return Receipt Requested
Number 7003 1830 0002 3635 0048

Ms. Lynette DuFresne
Board of AELSLAGID
85 East 7th Place, Suite 160
Saint Paul, MN 55101

RE: Roger Cummelin, File No. 2010-0056

Dear Ms. DuFresne:

I am in receipt of your letter, dated March 8, 2010, regarding information then present on the website of Altus Architecture + Design ("Altus").

I was personally unaware that the website page you referred to (www.altusarch.com/biography_rcummelin.html) contained the phrase "Registered Architect, State of Minnesota". I was not the author of this webpage, nor do I have a role in the publication of the firm's website. I have requested that my employer, Altus Architecture + Design, immediately correct this error. On March 10, 2010 the aforementioned phrase was removed from the website.

The origin of this webpage most likely dates to before July 1, 2008, a time when I was indeed a licensed architect in the State of Minnesota. That it remained on the website, unchanged, after July 1, 2008 is most likely an unintentional oversight on the part of Altus Architecture + Design.

I delayed renewing my license in June 2008 because at the time I did not have the required number of continuing education credits. Since that time I have acquired sufficient continuing education credits and have just recently contacted Kristine Kubes, of the Board, to inquire as to what was required at this time to reinstate my license. I received paperwork for reinstatement from Andrea Barker but have not yet completed that paperwork.

I suspect this investigation stems completely from my contacting the Board to inquire about the correct procedure for reinstating my license at this time. It is still my desire to reinstate my license subsequent to the settling of this matter.

The following is a detailed response to the requested information in your March 8, 2010 letter (your request restated in italics following by my response):

1. *The name of the Minnesota licensed architect(s) employed by you, or your firm, between July 1, 2008 and today's date.*

I am an employee of Altus Architecture + Design. I am not an owner of the firm and I do not employee anybody. Timothy A. Alt, a licensed architect in the State of Minnesota, wholly owns the firm.

2. *A copy of your business or calling card used between July 1, 2008 and today's date.*

EXHIBIT B

Please find enclosed my current business card. As you will see it does not claim that I am a Registered Architect.

3. *A complete copy of any marketing materials distributed by you or your firm, between July 1, 2008 and today's date, which should include, but not be limited to, a listing of directories in which you or your firm appear, website and other web advertising, letterhead, brochures.*

I have not distributed marketing materials for Altus Architecture + Design, I have not authored any marketing materials for the firm, and I have no control over the marketing materials of the firm. I am including the typical marketing materials that Altus presents to prospective clients. As you will see the materials do not identify any individuals.

There are no third party directories with information about myself where Altus Architecture + Design exercises control over the information presented.

I am enclosing a copy of the letterhead used by Altus Architecture + Design. As you will see there are no names presented on the letterhead and no claims of licensure.

4. *A copy of each article for which you claim authorship that has been published between July 1, 2008 and today's date.*

I have not published any articles since July 1, 2008, or prior to that date for that matter. The articles listed on the biography webpage are articles that appeared in publications about Altus Architecture + Design projects on which I worked.

5. *Have you signed any drawings, plans, specifications, or other documents, as a licensed Minnesota Architect from July1, 2008 up to today? If yes, please provide copies of the drawings, plans, specifications, or other documents you signed and or certified as a licensed Architect in the State of Minnesota.*

I have not signed any drawings, specifications, or other documents, as a licensed Minnesota Architect in my entire career. I have always worked for licensed architects. They have always signed all documents requiring the signature of a licensed architect.

I will be happy to assist you with any further questions you may have.

Sincerely,

Roger A. Cummelin

Roger A. Cummelin

Enclosure: Business card
Altus Architecture + Design letterhead
Altus Architecture + Design marketing materials
Letter from Timothy A. Alt, owner of Altus Architecture + Design, 3.16.2010

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Roger Cummelin,
ARCHITECT
License Number 20897
Not Certified as a Certified Interior Designer

Board File No. 2010-0056

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Lynette DuFresne, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on this the 5th day of MAY, 2011, she 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:

Mr. Roger Cummelin
6257 Warwick Street
Saint Paul, Minnesota 55116-1541

CERTIFIED MAIL
Return Receipt Requested
7010 0780 0001 5886 2432

Lynette DuFresne

Subscribed and sworn to before me on this the 5th day of May, 2011.

Victoria E Oehrlein
(Notary Public)

Victoria Elizabeth Oehrlein
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2015