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

In the Matter of
Peter Eskuche, Unlicensed

CEASE AND DESIST ORDER
AND
NOTICE OF RIGHT TO HEARING

Board File No: 2013-0070

TO: Mr. Peter Eskuche
700 East Lake Street Suite 200
Wayzata, Minnesota 55391

ALLEGATIONS

The Complaint Committee of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") alleges as follows:

1. A complaint concerning Peter Eskuche ("Respondent") has been received and reviewed by the Board's Complaint Committee.

2. Respondent is not currently and never has been licensed by the Board as an Architect in the State of Minnesota.

3. Respondent is licensed in Wisconsin as an Architect, Credential No. 8153-5 with an expiration date of July 31, 2014.

4. On February 25, 2013, Respondent submitted an Application for Licensure by Comity for Architecture. On that Application for Licensure by Comity for Architecture, Respondent stated that his 'Present Position' was "CEO & Principle Architect" with a Minnesota business address.

5. On or about March 19, 2013, on the company website, www.eskuche.com, under the 'About Us' tab was a company brochure for Eskuche Associates. Under the Staff Biographies it stated: "Peter Eskuche, AIA, Principle Architect" with a Minnesota address located at the bottom of the page.

6. Enclosed with a letter dated July 1, 2013, Respondent provided drawings he prepared on a proposed non-exempt Plymouth, Minnesota project dated May 29, 2007. The drawings were identified as 'Revised Bid Set'.

7. Respondent's conduct as described above violates the following Board Statutes: Minnesota Statutes section 326.02, subdivision 1 and 2 (2012). Specifically, it is alleged that the Respondent held himself out as an Architect and practiced Architecture in Minnesota without a license by (a) using the title of 'Principle Architect' in conjunction with a Minnesota business address, and (b) by preparing the plans identified as 'Revised Bid Set' May 29, 2007 for a proposed non-exempt Plymouth, Minnesota project.

8. The following order is in the public interest.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minnesota Statutes section 326.111, subdivision 3 (2012), that Respondent Peter Eskuche shall **CEASE AND DESIST** from holding himself out as an Architect in Minnesota, from practicing architecture in Minnesota, and from further violations of Minnesota Statutes sections 326.02 through Minnesota Statutes section 326.15 (2012) until such time as he becomes licensed as an Architect in the state of Minnesota.

NOTICE OF RIGHT TO HEARING

Pursuant to Minnesota Statutes section 326.111, subdivision 3 (2012), Respondent may request a hearing in this matter. Such request must be in writing and served upon the Board within thirty days after service of this Order, whereupon a hearing will be held within thirty days after receipt of the request unless Respondent and the Complaint Committee agree that the hearing be scheduled after the thirty-day period. In accordance with Minnesota Statutes section 326.111, subdivision 3 (2012), if no hearing is requested by Respondent within thirty days of service of this Order, this Order will become final and will remain in effect until it is modified or vacated by the Board.

In the event a hearing is scheduled in this matter, it will be held before an administrative law judge of the Office of Administrative Hearings for the State of Minnesota, 600 North Robert Street, Saint Paul, Minnesota, 55101, Telephone: (651) 361-7900. All parties have the right to represent themselves or be represented throughout the proceedings herein by legal counsel or a person of their choice if not otherwise prohibited as the unauthorized practice of law. The hearing will be conducted pursuant to the contested case procedures as prescribed in Minnesota Statutes section 14.57 (2012) to Minnesota Statutes section 14.69 (2012), as amended, and the Rules of the Office of Administrative Hearings, Minnesota Rules Chapter 1400.5010 through Minnesota Rules Chapter 1400.8401 (2013). **FAILURE TO ATTEND THE HEARING IN THIS MATTER MAY RESULT IN THE ALLEGATIONS OF THIS ORDER BEING TAKEN AS TRUE AND DEEMED PROVED WITHOUT FURTHER EVIDENCE, THE PROCEEDING BEING DETERMINED AGAINST THE PARTY FAILING TO ATTEND.** Questions concerning this Order may be directed to Assistant Attorney General Michele Owen, 1800 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, Telephone: (651) 757-1322.

Copies of the above-cited statutes and procedural rules are available on-line at www.revisor.leg.state.mn.us or may be purchased from the Minnesota's Bookstore, 660 Olive Street, St. Paul, Minnesota 55155, Telephone: (651) 297-3000.

IF YOU NEED A REASONABLE ACCOMMODATION for a disability in order to participate in the hearing process, such an accommodation can be made available upon advance request so that the hearing is accessible. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, including a foreign language interpreter, the Board office must be promptly notified. To arrange an accommodation or an interpreter, you may contact Doreen Frost, Executive Director of the Board, Suite 160, 85 East Seventh Place, St. Paul, Minnesota 55101, or you may call: Voice (651) 296-2388 or TDD (651) 297-5353.

Dated: April 4, 2014

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

Bruce Johnson, PG
Complaint Committee Chair

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Peter Eskuche, Unlicensed
File Number 2013-0070

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 6th day of MAY, 2014, she served the attached **CEASE AND DESIST ORDER AND NOTICE OF RIGHT TO HEARING,** along with a **Tennessen Warning For Subject Of An Investigation,** 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. Peter Eskuche
Eskuche Associates
700 East Lake Street Suite 200
Wayzata, Minnesota 55391

CERTIFIED MAIL
Return Receipt Requested
7012 0470 0000 4959 0455

Lynette DuFresne

Subscribed and sworn to before me on this the 6th day of May, 2014.

Victoria E Oehrlein
(Notary Public)

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

Minnesota Board of Architecture, Engineering, Land Surveying,
Landscape Architecture, Geoscience, and Interior Design

TENNESSEN WARNING
for
SUBJECT OF AN INVESTIGATION

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design (the "Board") is seeking information from you that may be considered private or confidential under the Minnesota Government Data Practices Act. Minnesota Statutes section 13.04(2) requires the Board to notify you of the following matters before you are asked to supply any private or confidential information about yourself.

1. This information is being collected as part of an investigation into your conduct, and the information you supply to the Board may be used to determine whether you have violated any statutes or rules enforced or administered by the Board.

2. You are not required to voluntarily cooperate with the investigations of the Board. However, if you choose to not voluntarily cooperate the Board may subpoena you to obtain the information it is seeking. You are advised that you are not required to incriminate yourself in any possible criminal investigation and you may exercise your constitutional right to refuse to supply any information on grounds that you might incriminate yourself.

3. If you supply the information requested and it shows a violation of any of the statutes or rules enforced by the Board, then you may be subject to legal action by the Board.

4. If you choose to not supply the Board with any requested information, whether or not that choice is based on your constitutional right to refuse to supply the Board with the requested information, then the Board has the right to base its decision whether to pursue action against you based on the other information which is available to the Board

5. You are advised that the information that you supply will be accessible to staff of the Board and the Office of the Attorney General. It may be released to other persons and/or governmental entities who have statutory authority to review the information, investigate specific conduct and/or take appropriate legal action, including but not limited to law enforcement agencies, courts and other regulatory agencies. If the Board institutes a formal disciplinary action against you, then your name and the information you supply could become public.