

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

**OAH Docket No. 65-1006-31278**

In the Matter of Landscape Architect  
License of Alan Kretman

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

License No. 15144

The above-entitled matter came on for a prehearing conference before Administrative Law Judge Ann C. O'Reilly on April 17, 2014.

Michele M. Owen, Assistant Attorney General, 1800 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101, appeared at the prehearing conference on behalf of the Complaint Committee of the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board"). Respondent Alan Kretman ("Respondent") did not appear. During the prehearing conference the attorney appearing on behalf of the Complaint Committee requested that the Administrative Law Judge find that Respondent is in default.

On June 9, 2014, the Administrative Law Judge issued Findings of Fact, Conclusions, and Recommendation Upon Default (hereinafter referred to as a "Report") in this matter. A copy of the Report is attached hereto and incorporated by reference.

**STATEMENT OF THE ISSUES**

The issues in this contested case proceeding were whether the Board should discipline Respondent because:

1. Respondent violated Minn. Stat. § 326.107, subs. 1 and 7, when he failed to provide documentation to substantiate 24 professional development hours he claimed he earned between July 1, 2010 and June 30, 2012, in his license renewal application;

2. Respondent failed to cooperate with the Board by not responding to communications from the Board and by failing to appear at a conference with the Complaint Committee, in violation of Minn. R. 1800.0100 and 1800.0110; and

3. Respondent's conduct constituted grounds justifying the Board to impose disciplinary action against Respondent's license, pursuant to Minn. Stat. § 326.111, subs. 4(a)(1) and (8).

### **REVIEW**

On August 7, 2014, the matter was heard, considered and decided by the full Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board"). Christopher M. Kaisershot, Assistant Attorney General, 1800 Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101 was present to advise the Board. After reviewing the record, including the Report of the Administrative Law Judge, and having afforded the parties the opportunity to file exceptions and to present argument to a majority of the full Board, the Board hereby makes the following:

### **FINDINGS OF FACT**

1. The Board hereby adopts and incorporates as its own the Findings in the ALJ Report, attached hereto and made a part hereof.

2. On February 11, 2014, the Complaint Committee served a Notice of and Order for Hearing and Prehearing Conference ("Notice and Order for Hearing") upon Respondent. The Notice and Order for Hearing was sent to Respondent's last known address on file with the Board, in Burnsville, Minnesota.

3. Minn. R. 1800.0120, subp. 1A (2011) requires that applicants for a license and holders of a license provide the Board with a current address and telephone number and advise the Board of any changes of address or telephone numbers within thirty (30) days.

4. The Notice and Order for Hearing was returned to the Board as undeliverable because Respondent did not accept the certified mailing.

5. On February 28, 2014, the Complaint Committee re-served the same Notice and Order for Hearing via U.S. Mail, first class, on Respondent at the same Burnsville, Minnesota address on file with the Board. The Complaint Committee also sent to Respondent, at the same Burnsville, Minnesota address on file with the Board, a copy of the Administrative Law Judge's Order for Telephone Prehearing Conference to be held on April 14, 2014. This correspondence, which included the Orders, was not returned to the Board as undeliverable.

6. Respondent failed to file a Notice of Appearance with the ALJ, failed to appear at the prehearing conference scheduled on April 17, 2014, and failed to request that the prehearing conference be continued. Therefore, Respondent is in default in this proceeding.

7. Pursuant to Minn. R. 1400.6000 (2011), the allegations in the Notice of and Order for Hearing and Prehearing Conference are hereby taken as true.

8. Any Conclusions 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 hereby adopts and incorporates as its own the Conclusions in the ALJ Report.

2. The Board has jurisdiction over this matter pursuant to Minn. Stat. §§ 14.50 and 326.111 (2012).

3. The Complaint Committee gave Respondent timely and proper notice in this matter and has complied with all relevant substantive and procedural requirements of law and rules.

4. Respondent violated Minn. Stat. §§ 326.107, subs. 1 and 7; and Minn. Stat. § 326.111, subs. 4(a)(1) and (8); and Minn. R. 1800.0100, and 1800.0110.

5. Minn. Stat. ch. 326 and Minn. R. ch. 1800 provide that a violation of any of the aforesaid statutes and rules by a licensee or applicant for a license constitutes grounds for disciplinary action.

6. Any Findings herein which should properly be termed Conclusions 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 makes the following:

#### **ORDER**

1. **Suspension of Landscape Architect License. IT IS HEREBY ORDERED** that Respondent's Landscape Architect license is **SUSPENDED** from the date of the Board Chair's signature below until such time as Respondent: (1) provides documentation satisfactory to the Board of having completed all of the twenty-four (24) professional development hours (PDH) required for the period of July 1, 2010 to June 30, 2012; and (2) provides documentation satisfactory to the Board of having successfully completed, within one (1) year of the date of this Order, eight (8) hours of courses in professional ethics which have been approved in advance by the Board's Complaint Committee. Respondent shall not use these eight (8) hours as part of the

continuing education hours required for his license reinstatement or thereafter, should his license eventually be reinstated.

2. **Cease and Desist.** Respondent shall not offer to perform or perform services required by law to be performed by a Landscape Architect as set forth in Minn. Stat. §§ 326.02-326.15 (2012) and Minn. R. ch. 1800; and Respondent shall not use the title “Landscape Architect” in connection with his name, nor shall Respondent hold himself out as a Landscape Architect in any manner in the State of Minnesota.

3. **IT IS FURTHER ORDERED** that Respondent shall pay a **CIVIL PENALTY** of Five Thousand Dollars (\$5,000) to the Board within sixty (60) days of the date of this Order.

Dated this 7<sup>th</sup> day of August, 2014.

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



---

CARL PETERSON, CPA, Public Member  
Chair, Minnesota Board of Architecture,  
Engineering, Land Surveying, Landscape  
Architecture, Geoscience and Interior Design



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.