

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

**In the matter of Mark Forbes
ARCHITECT
License Number 17452**

STIPULATION AND ORDER

Board File No. 2016-0001

TO: Mark Forbes
14048 Royal Court
Minnetonka, Minnesota 55345

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2014) and Minnesota Statutes section 326.111 (2014) 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 Mark Forbes ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that these matters may now be resolved by this Stipulation and Order.

STIPULATION

It is hereby stipulated and agreed by Respondent and the Committee that without trial or adjudication of any issue of fact or law and without any evidence or admission by any party with respect to any such issue:

1. Jurisdiction. Respondent was first issued an Architect license by the Board on October 4, 1985. 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 October 4, 1985.

b. On July 1, 2014, Respondent's Architect license in the State of Minnesota expired.

c. On September 18, 2015, Respondent reinstated his Minnesota Architect license.

d. Respondent's Minnesota Architect license lapsed from July 1, 2014 to September 18, 2015.

e. At the time of this Stipulation and Order, Respondent's Minnesota Architect license is current with an expiration date of June 30, 2016.

f. In a letter to the Board dated August 10, 2015, Respondent included a copy of his business card that was in effect during the period his Minnesota Architect license lapsed from July 1, 2014 to September 18, 2015. The business card contained a Minneapolis business address and stated: "Mark Forbes, AIA, Senior Project Architect."

g. In this same letter dated August 10, 2015, Respondent admitted that he held two Minnesota jobs and used the title of 'Senior Project Architect' in both positions on his email signature block during the lapse of his Minnesota Architect license from July 1, 2014 to September 18, 2015.

h. In this same letter dated August 10, 2015, Respondent included a set of drawings for a project located in Minneapolis, Minnesota that he signed

and certified on May 27, 2015 as a Minnesota licensed Architect.

i. Attached to a letter dated August 25, 2015 to the Board, was a copy of Respondent's position description that he held during the lapse of his Minnesota Architect license from when he was hired, on or about April 15, 2015 to September 18, 2015. Respondent's position description stated that the title of his position was 'Senior Architect.' Under the 'Minimum Qualifications' in the position description, one of the requirements stated: "Graduate from an accredited college or university with a bachelor's degree in architecture in architecture and is a Licensed Architect in the State of Minnesota or eligible for reciprocity...[sic]."

j. Respondent held himself out as an Architect in the State of Minnesota by using the title of 'Senior Project Architect' on his business card, in conjunction with a Minneapolis business address from July 1, 2014 to September 18, 2015.

k. Respondent held himself out as an Architect in the State of Minnesota by using the title of 'Senior Project Architect' in his email signature block, in conjunction with two Minnesota businesses from July 1, 2014 to September 18, 2015.

l. Respondent held himself out and practiced as an Architect when he signed and certified drawings for a project located in Minneapolis, Minnesota on May 27, 2015 as a Minnesota licensed Architect.

3. Violations. The Committee's position is that the facts specified in 2a. through 2.l above constitute violations of Minnesota Statutes section 326.02,

subdivisions 1 and 2 (2014) are sufficient grounds for the action specified below. Specifically, it is alleged that (a) Respondent held himself out as an Architect licensed by the Board, by using the title of 'Senior Project Architect' on his business card from July 1, 2014 to September 18, 2015, (b) Respondent held himself out as an Architect licensed by the Board, by using the title 'Senior Project Architect' in his email salutation from July 1, 2014 to September 18, 2015, and (c) Respondent held himself out and practiced as an Architect licensed by the Board, by using the title of 'Architect' on drawings he signed and certified on May 27, 2015 for a project located in Minneapolis, Minnesota. Respondent's position is that the lapse was unintentional.

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 Two Thousand Dollars (\$2,000.00). Respondent shall submit a civil penalty of Two Thousand (\$2,000.00) by check or money order to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.
- c. Respondent shall cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

5. 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 (2014), 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.

6. Collection. Pursuant to Minnesota Statutes section 16D.17 (2014), after ninety (90) days of the Board's approval of this Stipulation and Order, the Board may file and enforce any unpaid portion of the civil penalty imposed by this Order as a judgment against the Respondent in district court without further notice or additional proceedings.

7. 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 (2014), 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.

8. 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.

9. 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.

10. 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 (2014). 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 (2014). 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.

11. 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.

12. Counsel. Respondent is aware that he may choose to be represented by legal counsel in this matter. Respondent knowingly waived legal representation.

13. 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

Mark Forbes
Mark Forbes

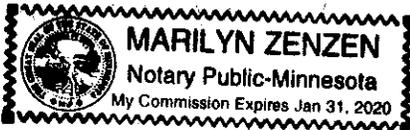
Dated: 3/21, 2016

SUBSCRIBED and sworn to before me on
this the 21st day of March, 2016.

Marilyn E. Zenzen
(Notary Public)

My Commission Expires:

Jan. 31, 2020



COMPLAINT COMMITTEE

Terry Grothaus
Committee Chair

Dated: 4.1, 2016

ORDER

Upon consideration of the foregoing Stipulation and Order and based upon all the files, records, and proceedings herein, all terms of the Stipulation and Order are approved and adopted and hereby issued as an Order of this Board this the 1st day of April, 2016.

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

By: [Signature]
Board Chair

