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

In the matter of Robert Gerszewski
ARCHITECT
License Number 45254

STIPULATION AND ORDER

Board File No. 2016-0005

TO: Robert Gerszewski
2702 Thrush Street
Shakopee, Minnesota 55379

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 Robert Gerszewski ("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 November 14, 2006. 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 November 14, 2006.

b. Respondent claims that on May 20, 2014, a colleague at Respondent's firm took steps to renew his license via the Board's online registration portal.

c. Unbeknownst to Respondent, his colleague did not complete the online renewal for Respondent on May 20, 2014.

d. Respondent assumed the renewal had occurred timely.

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

f. On June 8, 2015, Respondent reinstated his Minnesota Architect license.

g. Respondent's Minnesota Architect license lapsed from July 1, 2014 to June 8, 2015.

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

i. In a letter to the Board dated October 8, 2015, Respondent included a copy of his business card that was in effect during the period his Minnesota Architect license lapsed, July 1, 2014 to June 8, 2015. The business card contained a Faribault business address and stated: "Robert Gerszewski, AIA, Project Architect."

j. In this same letter dated October 8, 2015, Respondent submitted a copy of his current position description. In this current position description, the job title stated: "Licensed Architect" located in "Mankato, MN." Additionally, under the 'Qualifications' it stated: "Licensed to practice architecture in the State of Minnesota."

k. In a letter to the Board dated November 13, 2015, Respondent stated: "The attached project list referenced in item 1, provides the information as to the certification date of the projects that were certified by me from July 1, 2014 through May 31, 2015."

l. Attached to the letter dated November 13, 2015 mentioned above, was a listing with nineteen (19) Minnesota projects that he signed and certified as an architect during the lapse from July 1, 2014 to June 8, 2015.

m. Respondent held himself out as an Architect in the State of Minnesota by using the title of 'Project Architect' on his business card, in conjunction with a Faribault, Minnesota business address from July 1, 2014 to June 8, 2015.

n. Respondent held himself out and practiced as an Architect when he signed and certified drawings for nineteen (19) projects located in Minnesota during the lapse of his Minnesota Architect license from July 1, 2014 to June 8, 2015.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.02, subdivisions 1 and 2 (2014) and 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 'Project Architect' on his business card from July 1, 2014 to June 8, 2015, and (b) 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 nineteen (19) projects located in Minnesota during the lapse of his Minnesota Architect license from July 1, 2014 to June 8, 2015.

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 Five Thousand Dollars ($5,000.00). Respondent shall submit a civil penalty of Five Thousand Dollars ($5,000.00) 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 is represented by Ms. Kristine A. Kubes, Esq.

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

Robert Gerszewski

MARK A BERG
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2017

Dated: 25th April, 20 16

SUBSCRIBED and sworn to before me on this the 25th day of April, 20 16.

(Notary Public)

My Commission Expires:

1/31/17

COMPLAINT COMMITTEE

Committee Chair

Dated: 5/12, 20 16

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 19 day of MAY, 20 16.

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

By: _____
Board Chair

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Robert Gerszewski
Architect
License Number 45254

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 24th day of MAY, 2016, 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 postage prepaid, and addressed to:

Ms. Kristine Kubes, Esq.
Kubes Law Office, PLLC
International Market Square
275 Market Street Suite 566
Minneapolis, Minnesota 55405

Lynette DuFresne

Subscribed and sworn to before me on
this the 24th day of May, 2016.

(Notary Public)

HOLLY ANN SALMELA
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2020