

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

In the Matter of

**SETTLEMENT AGREEMENT AND
CEASE AND DESIST ORDER**

Clint Bachmann
Unlicensed

Board File No. 2022-0061

STIPULATION

Clint Bachmann (“Respondent”) and the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design’s Complaint Committee stipulate that, subject to Board’s review and discretionary approval, the Board may issue a consent order that imposes the following sanctions:

A. Respondent shall cease and desist from practicing architecture until such time as he becomes licensed as an architect in the State of Minnesota.

B. Respondent shall pay to the Board a civil penalty of Three Thousand Dollars (3,000.00). Respondent shall submit a civil penalty of \$3,000.00 by check to the Board within sixty (60) days of the Board’s approval of this Settlement Agreement and Cease and Desist Order.

C. Respondent shall remain law abiding and comply with all statutes and rules within the Board’s jurisdiction. *See* Minn. Stat. §§ 326.02–.15 (2020) and Minn. R. chs. 1800 & 1805 (2021).

D. Respondent shall report in writing within ten days any and all violations of this settlement agreement and cease and desist order to the Board’s Executive Director.

Respondent and the Committee enter into this settlement agreement based on the following findings of fact, conclusions of law, and other stipulated provisions:

Findings of Fact

1. Respondent has never been licensed by the Board as an architect in the State of Minnesota.

2. Respondent owns and operates a business in Minnesota that focuses on architectural drafting and building design services.

3. On April 13, 2022, the Board received a complaint stating the Respondent continues to solicit and perform commercial plan design work outside the exemption requirements of Minn. R. ch. 1800.5900 (2021) in the City of Alexandria.

4. On April 13, 2022, project plans were submitted for a partial interior buildout for a commercial building in Alexandria Minnesota. This building remodel does not meet the exemption requirements in Minn. R. ch. 1800.5900 (2021). Respondent drafted the plans. There was no architect involved with the project.

5. Respondent included his 'Legal Disclaimer' on the plans that stated: "The owner should check with the local building department to see if a professional stamp is required on the drawings for permit purposes. It is suggested that a local architect be retained to review and make any changes necessary to ensure that the plans meet the above requirements. Any use of this information without adaptation to changes and codes, standards, site conditions and other factors is the owner's sole risk. The designer assumes no responsibility for changes made to these plans by others and makes no warranties, either expressed or implied, regarding these plans."

6. On May 9, 2022, The Board received a response to the allegations from Respondent. Respondent states that he “understands the rules surrounding the difference between a licensed Architect and a Designer/Draftsman.” Respondent states that he does not market himself as anything other than a Designer/Draftsman.

7. Respondent’s company website www.cbdesignsllc.com, states that Respondent provides “light commercial” services. In his response Respondent states that for light commercial work he refers to his paperwork that shows the different building exemptions and what is exempt before starting a project. If the project meets the exempt criteria he will move forward. If it does not meet the exempt criteria, he will provide recommendations on who to consult to move forward with the project.

8. Respondent stated if a customer needs a conceptual tool for presentation purposes, he will do them. Respondent stated, “It is my understanding based on conversations with City Hall that giving a conceptual without specific dimension, sections, details, sizing along with the labeling on the plan stating conceptual only is acceptable.” Respondent submitted in his response various conceptual plans he had completed for various projects. The plans do not say ‘conceptual’.

Conclusion of Law

1. The Board has authority to license and regulate architects and to take disciplinary action as appropriate. Minn. Stat. ch. 326.111 (2020).

2. A person engages in the practice of architecture by performing the planning, designing, or supervising construction, regardless of whether they disclaim liability for that activity. This prohibition is not limited to services performed for new construction.

3. The work Respondent performed does not meet the exceptions of Minn. R. 1800.5900 (2021). Respondent violated Minn. Stats. §§ 326.02, subds. 1 and 2 (2020).

4. This settlement agreement and cease and desist order is in the public interest.

Other Stipulated Provisions

1. This settlement agreement and cease and desist order must be approved by the Board to become effective.

2. Respondent agrees that the Committee may move the Board *ex parte*, with or without advance notice to the Respondent, to approve this settlement agreement and cease and desist order. Respondent understands that the Board may either approve the settlement agreement and cease and desist order or not approve it. This settlement agreement and the files, records, and proceedings associated with this matter may be reviewed by the Board in its consideration of the Committee's motion.

3. If approved by the Board, this settlement agreement and cease and desist order shall be classified as public data. Minn. Stat. § 13.41, subd. 5 (2020). The Board will post a copy of this order on its website. The Board will also send a summary to the national discipline data bank pertaining to the practice of Architecture.

4. If the Board does not approve this settlement agreement and cease and desist order, then the matter remains unresolved and the Committee may either seek to negotiate a

revised settlement agreement and cease and desist order with Respondent to present to the Board or issue an order commencing a contested-case hearing before an Administrative Law Judge at the Office of Administrative Hearings. *See* Minn. Stat. §§ 14.57–.62, 214.10, subd. 2 (2020) (describing administrative hearing process).

5. Respondent agrees that if this case comes before the Board again after it reviews and discusses this settlement agreement and cease and desist order, Respondent waives any claim that the Board was prejudiced by its review and discussion of this settlement agreement and cease and desist order and any records relating to it.

6. Respondent acknowledges that they were advised by the Committee of their right to a contested-case hearing in this matter before an Administrative Law Judge, to file exceptions and make argument to the Board after the hearing, and to seek judicial review from any adverse decision rendered by the Board. Respondent hereby expressly waives those rights. Respondent was further advised by the committee of their right to be represented by counsel and that they knowingly waive that right.

7. Respondent has read, understands, and agrees to this settlement agreement and has voluntarily signed it. It is expressly understood that this settlement agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise. If approved by the Board, a copy of the final settlement agreement and cease and desist order shall be served personally or by first class mail on Respondent. The Board's order shall be effective when it is signed by the Chair of the Board or the Chair's designee.

8. Pursuant to Minn. Stat. § 16D.13 (2020), any civil penalty imposed by this settlement agreement and cease and desist order shall begin to accrue simple interest in

accordance with that section thirty days after the civil penalty is due. Pursuant to Minn. Stat. § 16D.17 (2020), thirty days after any civil penalty imposed by this settlement agreement and cease and desist order is due, the Board may file and enforce any unpaid portion of the civil penalty as a judgment against Respondent in district court without further notice or additional proceedings.

Clint Bachmann

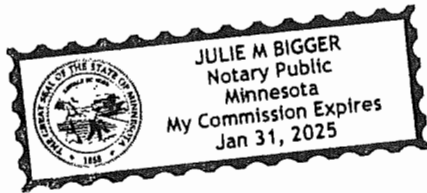
Clint Bachmann, Unlicensed

STATE OF MINNESOTA

COUNTY OF DOUGLAS

This instrument was acknowledged before me on 12/12/2022 by Clint Bachmann.

(stamp)



Julie M Bigger

(Signature of notary officer)

My commission expires: Jan 31, 2025

COMPLAINT COMMITTEE

Eric Friske

Eric Friske, JD
Chair

Dated: February 9, 202~~2~~³

CONSENT ORDER

Upon consideration of this settlement agreement and cease and desist order, and based upon all the files, records, and proceedings herein, all terms of the settlement agreement and cease and desist order are approved. Accordingly, the Board orders as follows:

A. Respondent shall cease and desist from practicing architecture in Minnesota until such time as he becomes licensed as architect in the State of Minnesota.

B. Respondent shall pay to the Board a civil penalty of Three Thousand Dollars (\$3,000.00). Respondent shall submit a civil penalty of \$3,000.00 by check to the Board within sixty (60) days of the Board's approval of this Settlement Agreement and Cease and Desist Order.

C. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. §§ 326.02–.15 (2020) and Minn. R. chs. 1800 & 1805 (2021).

E. Respondent shall report in writing within ten days any and all violations of this settlement agreement and cease and desist order to the Board's Executive Director.

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

Dated: February 9, 2023
~~2022~~

for



PAUL VOGEL, LS
Board Chair

Melisa Rodriguez, PE
Board Treasurer