

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

In the Matter of

**STIPULATION AND
CONSENT ORDER**

Brian C. Berg
Architect License No. 41686

Board File No. 2023-0037

STIPULATION

Brian C. Berg ("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's Architect license, No. 41686, is **CENSURED**, and **REPRIMANDED** pursuant to Minn. Stat. § 326.111 (2022).

B. Respondent shall pay to the Board a civil penalty of Five Thousand Dollars (\$5,000.00). Respondent shall submit a civil penalty of \$5,000.00 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.

C. Respondent shall complete 2 professional development hours related to professional ethics, and provide proof of completion of the hours to the Board, within 60 days of the Board's approval of this Stipulation and Consent Order. These professional development hours are not to count toward the continuing education hours required by statute and rule for license renewal.

D. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. §§ 326.02–.15 (2022) and Minn. R. chs. 1800 & 1805 (2021).

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

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

Findings of Fact

1. The Board issued Respondent an Architect license in Minnesota on January 29, 2002.

2. Respondent's Minnesota Architect license expired on July 1, 2022.

3. Respondent renewed his Minnesota Architect license on January 6, 2023.

4. Respondent self-reported to the Board that he had practiced architecture and held out as an Architect in Minnesota during the time of expiration. Respondent was cooperative and responsive during the Board investigation.

5. During the lapse in his license Respondent was listed on his company website as a "Principal Architect" along with the statement "Registered in: MN, ND, and SD".

6. Respondent provided the Board with a list of eight Minnesota projects that he provided work on and/or certified as a Registered Architect during the lapse in his Minnesota license.

a. These eight projects Respondent provided architectural work on were completed for public schools, a childcare building, and a community church in the State of Minnesota.

b. The documents Respondent signed during the lapse in his Minnesota license included construction documents, proposals, pay requests, drawings for rebids, and oversight of shop drawing reviews.

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 (2022).
2. Respondent violated Minn. Stat. §§ 326.02, subds. 1 and 2 (2022).
3. This stipulation and consent order is in the public interest.

Other Stipulated Provisions

1. This stipulation and consent 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 stipulation and consent order. Respondent understands that the Board may either approve the stipulation and consent order or not approve it. This stipulation 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 stipulation and consent order shall be classified as public data. Minn. Stat. § 13.41, subd. 5 (2022). 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 stipulation and consent order, then the matter remains unresolved and the Committee may either seek to negotiate a revised stipulation and consent 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 (2022) (describing administrative hearing process).

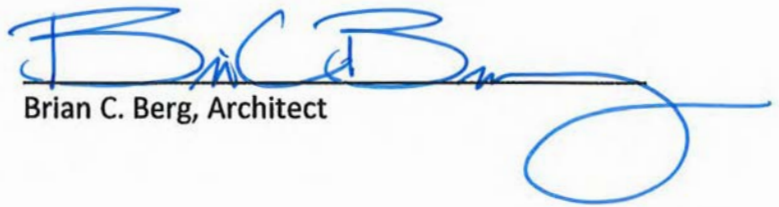
5. Respondent agrees that if this case comes before the Board again after it reviews and discusses this stipulation and consent order, Respondent waives any claim that the Board was prejudiced by its review and discussion of this stipulation and consent order and any records relating to it.

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 stipulation and has voluntarily signed it. It is expressly understood that this stipulation 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 stipulation and consent 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 (2022), any civil penalty imposed by this stipulation and consent 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 (2022), thirty days after any civil penalty imposed by this stipulation and consent 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.


Brian C. Berg, Architect


STATE OF North Dakota

COUNTY OF Cass

This instrument was acknowledged before me on 3.27.23 by Brian C. Berg.

(stamp)

ASHLEY DEMERS
Notary Public
State of North Dakota
My Commission Expires May 26, 2024


(Signature of notary officer)

My commission expires: _____

KEITH B. FRISKE
KBF

COMPLAINT COMMITTEE

Eric Friske, JD
Chair

Dated: 10 - MAY, 2023

CONSENT ORDER

Upon consideration of this stipulation and consent order, and based upon all the files, records, and proceedings herein, all terms of the stipulation and consent order are approved.

Accordingly, the Board orders as follows:

A. Respondent's Architect license, No. 41686, is CENSURED, and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2022).

B. Respondent shall pay to the Board a civil penalty of Five Thousand Dollars (\$5,000.00). Respondent shall submit a civil penalty of \$5,000.00 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.

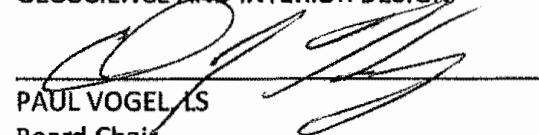
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D. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. §§ 326.02–.15 (2022) and Minn. R. chs. 1800 & 1805 (2021).

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

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

Dated: 5/10/, 2023

FOR 
PAUL VOGEL, LS
Board Chair


DANIEL KELSEY, P.E.
BOARD SECRETARY