

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**

Katie Botker
Unlicensed

Board File No. 2022-0045

SETTLEMENT AGREEMENT

Katie Botker (“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 settlement agreement and cease and desist order that imposes the following sanctions:

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

B. Respondent shall pay to the Board a civil penalty of Four Thousand Dollars (\$4,000.00). Respondent shall submit a civil penalty of \$4,000.00 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 design services.
3. On November 17, 2021, project plans and a permit application were submitted for a non-exempt commercial office remodel project in Minnesota. Respondent drafted the plans. There was no architect involved with the project.
4. Respondent included a disclaimer on the plans that stated: "These documents were provided to the owner by a non-licensed professional. Any liabilities are the responsibility of the owner. The owner agrees to waive all liability from the draftsman per written agreement. It is the owner and builder's responsibility to follow proper standards and ensure all dimensions, details, and any further conditions that may effect building are accurate to construction. Owner is responsible for verifying with the local building department to ensure licensed architect stamp is not required for permit purposes. It is the owners responsibility to comply with all local zoning requirements, building codes, regulations, ordinances, and any other laws that may be applicable to this project."
5. The permit application was denied because no architect was involved on the non-exempt project and no code review sheet was provided.

6. An architect was subsequently brought onto the project and the code review was completed and permit granted.

7. On December 1, 2021, a complaint allegation letter was sent to Respondent regarding practicing as an architect without a license.

8. On December 21, 2021, a response from Respondent was received.

9. Respondent stated that she had not claimed to be an architect and specifically included disclaimers to make it clear that she is not an architect.

10. Respondent also incorrectly stated that she was able to work on this project without the involvement of an architect because, “the drawings were not done for a new build, but rather for an existing building which only required a code study.”

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. Respondent violated Minnesota Statutes § 326.02, subs. 1 and 2 (2020).

3. 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 they are represented.

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.

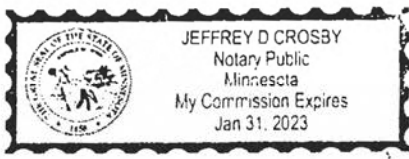

Katie Botker

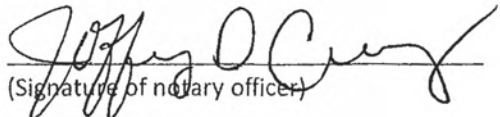
STATE OF Minnesota

COUNTY OF Douglas

This instrument was acknowledged before me on October 6, 2022 by Katie Botker.


(stamp)




(Signature of notary officer)

My commission expires: 1-31-2023

COMPLAINT COMMITTEE


Eric Friske, JD
Chair

Dated: October 20, 2022

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 until such time as she becomes licensed as an architect in the State of Minnesota.
- B. Respondent shall pay to the Board a civil penalty of Four Thousand Dollars (\$4,000.00). Respondent shall submit a civil penalty of \$4,000.00 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.

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

Dated: November 17, 2022


for PAUL VOGEL, LS
Board Chair
Melisa Rodriguez, PE
Treasurer