

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**

Susannah Duly  
Unlicensed

Board File No. 2023-0045

**STIPULATION**

Susannah Duly ("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 and holding out as a Professional Geologist in Minnesota until such time as she becomes licensed as a Professional Geologist in the State of Minnesota.

B. Respondent shall pay to the Board a civil penalty of One Thousand Dollars (\$1,000). Respondent shall submit a civil penalty of \$1,000 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 (2022) and Minn. R. ch. 1800 (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 is licensed as a Professional Geologist in Texas and Louisiana.
2. Respondent is not now, nor has ever been, licensed as a Professional Geologist in the State of Minnesota.
3. Respondent applied for a Professional Geology license by Comity on November 20, 2017; however, Respondent did not complete the application process.
4. Respondent is an Environmental Specialist for a construction and real estate development company and, since 2017, has been assigned to the company's headquarters office in Minneapolis, Minnesota.
5. Respondent stated in her response to the Complaint Committee that she manages the environmental compliance for construction projects in Texas, California, Oklahoma, Florida, and many other states.
6. Respondent holds out as a Professional Geologist in her email signature and on LinkedIn while listing the Minneapolis address of her employer by using the initialism P.G..
7. In the process of this disciplinary action, Respondent took corrective action to remove the credential "PG" as well as "CPG" from her email signature block that bears her Minnesota employer's address, and similarly updated her LinkedIn profile.

### Conclusions of Law

1. The Board has authority to license and regulate Professional Geologists and to take disciplinary action as appropriate. Minn. Stat. ch. 326.111 (2022).
2. Respondent is prohibited from using or advertising the title of professional geologist in Minnesota unless licensed in Minnesota. Minn. Stat. § 326.02 subds. 1 and 3a (2022). Respondent violated that prohibition by using “PG” and thereby holding out as a licensee.
3. This settlement agreement and cease and desist order are 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 (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 professional geology.

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 (2022) (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 she was 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 her right to be represented by counsel, which right she has exercised in engaging an attorney in this matter.

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 by first class mail on Respondent via her attorney of record. 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 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 (2022), 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.

  
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Susannah Duly, Unlicensed

STATE OF Minnesota

COUNTY OF Hennepin

This instrument was acknowledged before me on Oct 9, 2023 by Susannah Duly.


(stamp)



  
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(Signature of notary officer)

My commission expires: Jan 31, 2025

COMPLAINT COMMITTEE

  
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Eric Friske, JD  
Chair

Dated: October 31, 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 hereby ADOPTS the stipulation and issues the ORDER described above.

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

Dated: 11/30, 2023

FOR   
MELISA RODRIGUEZ, PE  
Board Chair

DANIEL KELSEY, P.E.  
BOARD VICE CHAIR