

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

In the Matter of

**STIPULATION AND  
CONSENT ORDER**

Ben Matthew Erickson  
Landscape Architect License No. 50130

Board File No. 2023-0049

**STIPULATION**

Ben Matthew Erickson ("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 Landscape Architect license, No. 50130, 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). Respondent shall submit a civil penalty of \$5,000 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 shall not count toward Respondent's continuing education requirement for license renewal.

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. chs. 1800 & 1805 (2021).

D. 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 first issued Respondent a Landscape Architect license on September 12, 2012.
2. Respondent's Minnesota Landscape Architect license expired July 1, 2022.
3. Respondent's Minnesota Landscape Architect license was renewed February 7, 2023.
4. During the time his licensed was lapsed from July 1, 2022 to February 6, 2023, Respondent held out and offered to practice Landscape Architect services:
  - a. Respondent's company website advertised him as an Owner and Licensed Landscape Architect.
  - b. Respondent's Instagram profile advertised him as a licensed Landscape Architecture.
  - c. Respondent's LinkedIn and Instagram profile advertised him as a Landscape Architecture.
5. Respondent provided false statements to the Board by answering "True" to the following certification statements in his February 6, 2023 license renewal application.

- a. "I have not represented myself as an architect, professional engineer, land surveyor, landscape architect, professional geologist, professional soil scientist, or certified interior designer without proper licensure or certification, either verbally or on any printed matter, in the State of Minnesota, nor will I do so until such time as my license or certification has been issued by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design;" and
  - b. "I have not performed or offered to perform architectural, professional land surveying, landscape architectural, professional geological, professional soil scientific, or certified interior designer services without proper licensure or certification in the State of Minnesota, nor will I do so until such time as my license or certificate has been issued by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design."
6. In a response to the Board on March 17, 2023, Respondent provided a list of four projects he completed as a Landscape Architect by sealing them with his name and license number. The work includes but is not limited to a public watershed drainage project, a church project and two condominium projects.
- a. Respondent stated in his response he held out and advertised as a Landscape Architect on Thumbtack and NextDoor while his license was expired.
  - b. Respondent submitted a copy of his business card with the response used during the lapse in licensure that states, "Ben Erickson, LA."

### Conclusion of Law

1. The Board has authority to license and regulate Landscape Architects and to take disciplinary action as appropriate. Minn. Stat. ch. 326.111 (2022).
2. Respondent violated Minn. Stat. § 326.02, subds. 1 and 4(a) (2022); Minnesota Rules 1085.0200, subps. 2 and 4(C) (2021).
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 Landscape 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.

BEN ERICKSON  
Ben Matthew Erickson, LA

STATE OF MN

COUNTY OF HENNEPIN

This instrument was acknowledged before me on 11/8/2023 by Ben Erickson.

(stamp)

\_\_\_\_\_  
(Signature of notary officer)

My commission expires: \_\_\_\_\_

COMPLAINT COMMITTEE

[Signature]  
ERIC FRISKE, JD  
Chair

Dated: 11/30, 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, PE  
BOARD VICE CHAIR