

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**

Joseph Escalante  
Unlicensed

Board File Nos. 2022-0022 and 2022-0052

**STIPULATION**

Joseph Escalante (“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 pay to the Board a civil penalty of Five Hundred Dollars (\$500.00). Respondent shall submit a civil penalty of \$500.00 by check to the Board within sixty (60) days of the Board’s approval of this Settlement Agreement and Cease and Desist Order.

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

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 is not and never has been an architect in the State of Minnesota.
2. Respondent owns and operates a business specializing in design and construction services.
3. Respondent advertises his business online through a company website and a company Facebook page. On at least one occasion, Respondent's company Facebook referred to Respondent as an "Architect."
4. Respondent's company Facebook page posted on July 3, 2020 stating the business is "managed by Architect Joseph Escalante".
5. Respondent also advertises his business online through a home services website called Thumbtack. In the FAQ's section of Respondent's company Thumbtack it states, "Joseph is a passionate architect and designer".
6. On August 26, 2021, the Board received a complaint regarding Respondent. The Complainant hired Respondent to provide services in part based on their belief that Respondent was an architect. After Respondent performed the work, the Complainant learned Respondent was not an architect.
7. On January 12, 2022, the Board received a second complaint regarding Respondent. The second Complainant hired Respondent to provide services in part based on

their belief that Respondent was an architect. After Respondent performed the work, the second Complainant learned Respondent was not an architect.

8. Respondent has taken corrective action by removing the company page on Thumbtack.

### **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. 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 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 (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 waives 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.

  
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Joseph Escalante


STATE OF MN

COUNTY OF Hennepin

This instrument was acknowledged before me on 10/10/2022 by Joseph Escalante.

(stamp)



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

My commission expires: 01/31/2023

**COMPLAINT COMMITTEE**

  
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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 pay to the Board a civil penalty of Five Hundred Dollars (\$500.00). Respondent shall submit a civil penalty of \$500.00 by check to the Board within sixty (60) days of the Board’s approval of this Settlement Agreement and Cease and Desist Order .

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

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

  
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for PAUL VOGEL, LS  
Board Chair

Melisa Rodriguez, PE  
Treasurer