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

In the matter of Joan A. Floura
LANDSCAPE ARCHITECT
License Number 53055

STIPULATION AND ORDER

Board File No. 2018-0042

TO: Joan Floura, LA
Floura Teeter Landscape Architects
800 N Charles Street #300
Baltimore, MD 21201

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2018) and Minnesota Statutes section 326.111 (2018) to review complaints against architects, professional engineers, land surveyors, landscape architects, geoscientists, and certified interior designers, and to take disciplinary action whenever appropriate.

The Board received information concerning Joan Floura ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that these matters may now be resolved by this Stipulation and Order.

STIPULATION

It is hereby stipulated and agreed by Respondent and the Committee that without trial or adjudication of any issue of fact or law and without any evidence or admission by any party with respect to any such issue:

1. Jurisdiction. Respondent was first issued a Professional Landscape Architect license by the Board on December 15, 2015. Respondent is subject to the

jurisdiction of the Board with respect to the matters referred to in this Stipulation.

2. Facts. This Stipulation is based upon the following facts:

a. Respondent was first licensed as a Professional Landscape Architect in the State of Minnesota on December 15, 2015.

b. At the time of this Stipulation and Order, Respondent's Professional Landscape Architect license in the State of Minnesota is current.

c. Respondent renewed her Minnesota Professional Landscape Architect license online on April 25, 2018. At that time, Respondent affirmed that she earned 34 Professional Development Hours (PDH) and affirmed that she earned 2 hours dedicated to professional ethics as required by Minnesota Statutes section 326.107, subdivision 1(c) (2018).

d. In a letter dated May 8, the Board notified Respondent that her PDH were randomly selected for review as part of the Board's continuing education audit.

e. In the same letter, the Board notified Respondent that as part of the audit, she must submit supporting documentation for a minimum of 24 PDH, of which 2 hours must be dedicated to professional ethics earned between July 1, 2016 and her renewal date of April 25, 2018.

f. Respondent submitted, and the Board received, supporting documentation for the continuing education audit on May 29, 2018. On the Continuing Education Reporting form, Respondent did not indicate that she earned the statutorily-required 2 professional ethics hours.

g. An allegation letter was sent to Respondent on May 31 requesting

"documentation to prove a minimum of two professional ethics related professional development hours during the renewal period from July 1, 2016 to June 30, 2018." A response to this letter was requested by June 22.

h. A response was received at the Board office on July 6.

i. In her response, Respondent states "due to an internal tracking error we misunderstood the reporting requirement for Continuing Education in Minnesota – specifically regarding Professional Ethics hours."

j. Respondent also attached a Certificate of Completion for *Minnesota – Ethics, Statutes, and Rules for Professional Engineers: 4 PDH.* This course was completed by Respondent on July 3, 2018.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.111, subdivisions 4(a)(1), and 4 (a)(8) (2018), Minnesota Statutes 326.107, subdivisions 1(a) and 1(c) (2018) and Minnesota Rules 1805.0200, subpart 2 (2018) and are sufficient grounds for the action specified below. Specifically, it is alleged that the Respondent: (a) submitted a materially false statement in connection with her online renewal application on April 25, 2018, by affirming she had two professional development hours in ethics during the reporting period relevant to her license renewal; and (b) Respondent failed to provide supporting documentation to substantiate two hours dedicated to professional ethics during the reporting period relevant to her license renewal and, therefore, failed to meet the continuing education requirements for renewal of her license on April 25, 2018.

4. Enforcement Action. Respondent and the Committee agree that the Board should issue an Order in accordance with the following terms:

a. Reprimand. Respondent is censured and reprimanded for the foregoing conduct.

b. Civil Penalty. Respondent shall pay to the Board a civil penalty of Five Hundred Dollars ($500) payable by check to the Board within 60 days of the Board's approval of this Stipulation and Order.

c. Respondent shall cease and desist from violating any laws, rules or orders entrusted to enforcement by the Board.

5. Waiver of Respondent's Rights. For the purpose of this Stipulation, Respondent waives all procedures and proceedings before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the allegations against Respondent, to dispute the appropriateness of discipline in a contested case proceeding pursuant to Minnesota Statutes Chapter 14 (2018), and to dispute the civil penalty imposed by this Agreement. Respondent agrees that upon the application of the Committee without notice to or an appearance by Respondent, the Board may issue an Order containing the enforcement action specified in paragraph 4 herein. Respondent waives the right to any judicial review of the Order by appeal, writ of certiorari, or otherwise.

6. Collection. Pursuant to Minnesota Statutes section 16D.17 (2018), after ninety (90) days of the Board's approval of this Stipulation and Order, the Board may file and enforce any unpaid portion of the civil penalty imposed by this Order as a judgment against the Respondent in district court without further notice or additional proceedings.

7. Board Rejection of Stipulation and Order. In the event the Board in its

discretion does not approve this Stipulation and Order or a lesser remedy than specified herein, this Stipulation and Order shall be null and void and shall not be used for any purpose by either party hereto. If this Stipulation is not approved and a contested case proceeding is initiated pursuant to Minnesota Statutes Chapter 14 (2018), Respondent agrees not to object to the Board's initiation of the proceedings and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this Stipulation and the record.

8. Unrelated Violations. This settlement shall not in any way or manner limit or affect the authority of the Board to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent justifying disciplinary action which occurred before or after the date of this Stipulation and Order and which is not directly related to the specific facts and circumstances set forth herein.

9. Record. The Stipulation, related investigative reports and other documents shall constitute the entire record of the proceedings herein upon which the Order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this Stipulation.

10. Data Classification. Under the Minnesota Government Data Practices Act, this Stipulation and Order is classified as public data upon its issuance by the Board, Minnesota Statutes section 13.41, subdivision 5 (2018). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 (2018). They shall not, to the extent they are not already public documents, become public merely because they

are referenced herein. A summary of this Order will appear in the Board's newsletter. A summary will also be sent to the national discipline data bank pertaining to the practice of engineering.

11. Entire Agreement. Respondent has read, understood, and agreed to this Stipulation and is freely and voluntarily signing it. The Stipulation contains the entire agreement between the parties hereto relating to the allegations referenced herein. Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

12. Counsel. Respondent is aware that she may choose to be represented by legal counsel in this matter. Respondent knowingly waived legal representation.

13. Service. If approved by the Board, a copy of this Stipulation and Order shall be served personally or by first class mail on Respondent. The Order shall be effective and deemed issued when it is signed by the Chair of the Board.

RESPONDENT

Joan A. Floura, LA

Dated: 11.13.18, 2018

SUBSCRIBED and sworn to before me on this the 13th day of November, 2018.

(Notary Public)

AARON P. TEETER NOTARY PUBLIC BALTIMORE CITY, MD My Commission Expires 04-26-2022

My Commission Expires:

4/26/2022

COMPLAINT COMMITTEE

Keith Rapp, PG
Committee Chair

Dated: 6-December, 2018

ORDER

Upon consideration of the foregoing Stipulation and Order and based upon all the files, records, and proceedings herein, all terms of the Stipulation and Order are approved and adopted and hereby issued as an Order of this Board this the 6 day of December, 2018.

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

By: _____
Nirmal Jain, PE
Board Chair

AFFIDAVIT OF SERVICE BY MAIL

RE: In the matter of Joan Floura
Landscape Architect
License Number 53055

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Matt Kaehler, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on this the 17th day of December, 2018, he served the attached **Stipulation and Order**, by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first class and certified postage prepaid, and addressed to:

Laurie Quinn
Felhaber Larson
220 S 6th St.
Minneapolis, MN 55402

CERTIFIED MAIL
Return Receipt Requested
7017 3040 0000 1240 9127

Matt Kaehler

Subscribed and sworn to before me on
this the 17th day of December, 2018.

(Notary Public)

VICTORIA ELIZABETH DEHNLEIN
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2020