

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

**In the matter of
Katrina Gerber, PE
License Number 40581**

**STIPULATION AND ORDER
Board File No. 2007-0025 & 2007-0031**

**TO: Katrina Gerber
BGR Engineers
908 Broadway, Ste. 200
Kansas City, MO 64105-1590**

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized, pursuant to Minnesota Statutes section 214.10 (2006) and Minnesota Statutes section 326.111 (2006), 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 Katrina Gerber ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that the matter may now be resolved by this Stipulation and Order.

STIPULATION

IT IS HEREBY AGREED by and between Respondent and the Committee as follows:

1. Jurisdiction. The Respondent has held a license to practice Professional Engineering from the Board from August 16, 2000 through June 30, 2004, from April 5, 2005 through June 30, 2006, and from August 30, 2006 until the present date. 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 to practice professional engineering in the State of Minnesota on August 16, 2000.
- b. On June 30, 2004, Respondent's license to practice professional engineering in the State of Minnesota expired.
- c. On April 5, 2005, Respondent renewed her license to practice professional engineering in the State of Minnesota.
- d. On March 1, 2005, Respondent certified design drawings for the Nextel project located in the Southview Square Shopping Center, Space N, 1873 South Robert Street, West St. Paul, Minnesota.
- e. On June 17, 2005, the Board signed a Stipulation and Order, signed by Respondent on June 13, 2005, that disciplined the Respondent for the unlicensed practice of professional engineering during the time her license was lapsed. The Respondent paid a civil penalty of one thousand five hundred dollars (\$1,500.00). A true and correct copy of the Stipulation and Order is attached as Exhibit A.
- f. On June 30, 2006, Respondent's license to practice professional

engineering in the State of Minnesota expired.

- g. On July 26, 2006, Respondent certified design drawings for the Nextel project located in the Southview Square Shopping Center, 1873 South Robert Street, West St. Paul, Minnesota. A true and correct copy of a plan certified by the Respondent on July 26, 2006 is attached as Exhibit B.
- h. On August 30, 2006, the Board received a renewal form from the Respondent. On the form, the Respondent swore and affirmed that since her last renewal she "had not had a license disciplined, denied, surrendered, suspended, or revoked." A true and correct copy of Respondent's signed renewal form is attached as Exhibit C.

3. Violations. Respondent admits that her preparation and certification of the design drawings as described in paragraphs 2d and 2g above constitutes the practice of Professional Engineering and that the facts specified above constitute violations of Minnesota Statutes section 326.02, subdivisions 1 and 3 (2006), Minnesota Statutes section 326.03, subdivision 1 (2006), Minnesota Statutes 326.15 (2006), and Minnesota Rules, 1805.0200 subpart 2 (2005), and are sufficient grounds for the action specified below.

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 reprimanded for the foregoing conduct.
- b. Civil Penalty. Respondent shall pay to the Board a civil penalty of

three thousand dollars (\$3,000.00). Respondent shall submit a civil penalty of three thousand dollars (\$3,000.00) by cashier's check or money order to the board within sixty (60) days of the Board's approval of this Stipulation and Order.

5. Additional Discipline for Violations of Order. If Respondent violates this Stipulation and Order, Minnesota Statutes sections 326 through 326.15 (2006), Minnesota Rules, Chapter 1800 (2005) or Minnesota Rules Chapter 1805 (2005), the Board may impose additional discipline pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least thirty days prior to the hearing, the Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Within fourteen days after the notice is mailed, Respondent shall submit a written response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. At the hearing before the Board, the Complaint Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's

practice or suspension or revocation of Respondent's license.

6. 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 (2006), 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.

7. Collection. In accordance with Minnesota Statutes section 16D.17 (2006), in the event this order becomes final and Respondent does not comply with the condition in paragraph 4(b) above, Respondent agrees that the Board may file and enforce the unpaid portion of the civil penalty as a judgment without further notice or additional proceedings.

8. 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 (2006), 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.

9. 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.

10. 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.

11. 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 (2006). 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 (2006). 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 Professional Engineering.

12. 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.

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

14. 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



Katrina Gerber, P. E.

Dated: 2.14, 2007

COMPLAINT COMMITTEE

By: 

Billie Lawton, Public Member,
Committee Chair

Dated: 2-22, 2007

ORDER

Upon consideration of the foregoing Stipulation and based upon all the files, records and proceedings herein, all terms of the Stipulation are approved and hereby issued as an Order of this Board on this the 23rd day of March, 2007.

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

By: Harvey H. Harvala
Harvey H. Harvala, PE
Board Chair

RECEIVED

JUN 16 2005

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

In the matter of
Katrina M. Gerber, PE
License Number 40581

STIPULATION AND ORDER

Board File No. 2005-0086

TO: Ms. Katrina M. Gerber
BGR Engineers
908 Broadway, Ste. 200
Kansas City, Missouri 64105-1590

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Statutes §§ 214.10 and 326.111 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 Ms. Katrina M. Gerber ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that the matter may now be resolved by this Stipulation and Order.

STIPULATION

IT IS HEREBY AGREED by and between Respondent and the Committee as follows:

1. Jurisdiction. The Respondent has held a license to practice professional engineering from August 16, 2000 through June 30, 2004 and from April 5, 2005 through the present date. Respondent is subject to the jurisdiction of the Board with

EXHIBIT A

②

respect to the matters referred to in this Stipulation.

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

a. Respondent was first licensed to practice professional engineering in the State of Minnesota on August 16, 2000.

b. On June 30, 2004, Respondent's license to practice professional engineering in the State of Minnesota expired.

c. On April 5, 2005, Respondent renewed her license to practice professional engineering.

d. On March 1, 2005, Respondent certified design drawings for the Nextel project located in the Southview Square Shopping Center, Space N, 1873 South Robert Street, West St. Paul, Minnesota. The preparation and certification of the design drawing constitutes the practice of professional engineering. A true and correct copy of the plan is on file at the Board office.

3. Violations. Respondent admits that the facts specified above constitute violations of Minn. Stat. § 326.02, subd. 1 and 3, Minn. Stat. § 326.03, subd. 1, and Minn. Stat. § 326.15 and are sufficient grounds for the action specified below.

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 reprimanded for the foregoing conduct.

b. Civil Penalty. Respondent shall pay to the Board a civil penalty of one thousand five hundred (\$1,500.00). Respondent shall submit a civil penalty of one thousand five hundred (\$1,500.00) by cashier's check or money order, payable to the "Board of Architecture, Engineering, Land Surveying, Landscape Architecture,

Geoscience, and Interior Design," to the board within sixty (60) days of the Board's approval of this Stipulation and Order.

5. Additional Discipline for Violations of Order. If Respondent violates this Stipulation and Order, Minn. Stat. ch. 326, or Minn. Rule ch. 1800 or 1805, the Board may impose additional discipline pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least thirty days prior to the hearing, the Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Within fourteen days after the notice is mailed, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. At the hearing before the Board, the Complaint Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice or suspension or revocation of Respondent's license.

6. 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 Minn. Stat. ch. 14, 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.

7. Collection. In accordance with Minn. Stat. § 16D, subd. 2 (2004), in the event this order becomes final and Respondent does not comply with the condition in paragraph 4(b) above, Respondent agrees that the Board may file and enforce the unpaid portion of the civil penalty as a judgment without further notice or additional proceedings.

8. 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 Minn. Stat. ch. 14, 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.

9. 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.

10. 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.

11. Data Classification. Under the Minnesota Government Data Practices Act, this Stipulation and Order is classified as public data upon its issuance by the Board. Minn. Stat. § 13.41, subd. 4 (2004). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13. They shall not, to the extent they are not already public documents, become public merely because they are referenced herein.

12. 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.

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

14. 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.

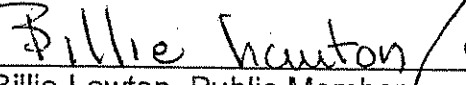
RESPONDENT



Katrina M. Gerber

Dated: June 13, 2005

COMPLAINT COMMITTEE

By: /Chair

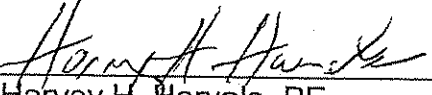
Billie Lawton, Public Member/
Committee Chair

Dated: June 17, 2005

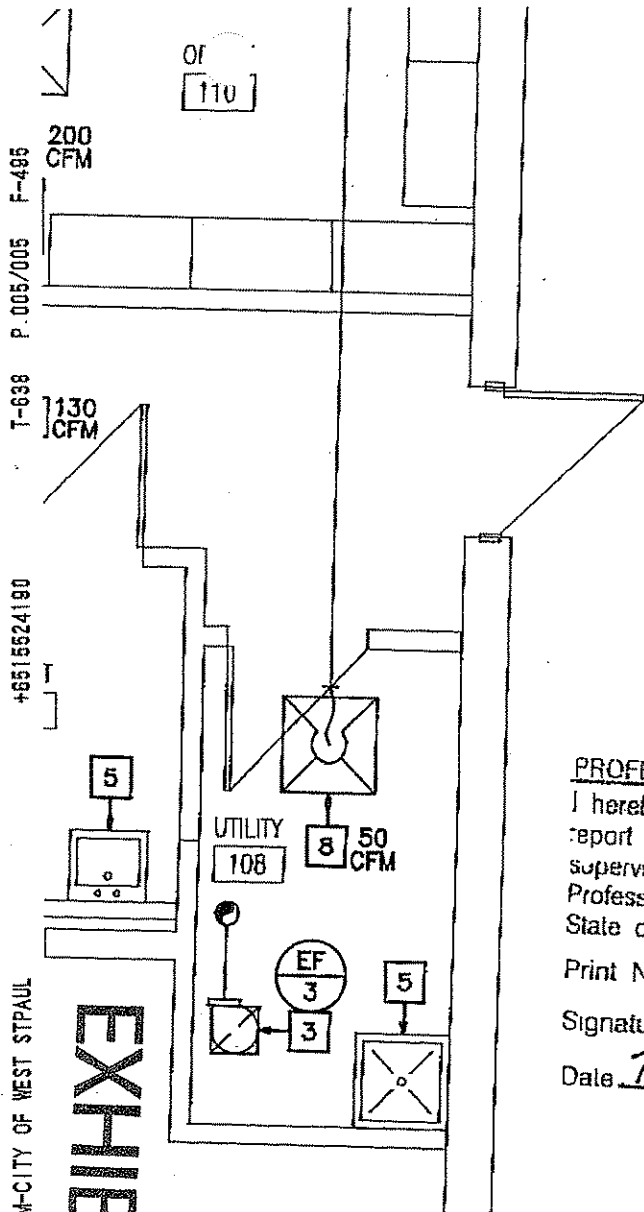
ORDER

Upon consideration of the foregoing Stipulation and based upon all the files, records and proceedings herein, all terms of the Stipulation are approved and hereby issued as an Order of this Board on this the 17 day of June, 2005.

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

By: 

Harvey H. Harvala, PE
Board Chair

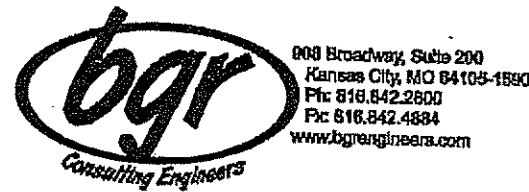


SEP-01-2006 03:56PM FROM-CITY OF WEST STPAUL T-638 P.005/005 F-486 +6515524190

EXHIBIT B

PROFESSIONAL ENGINEER
 I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Print Name: KATRINA M. DEBBER
 Signature: *[Signature]*
 Date: 7/24/06 License # 40581



10 11 12

No.	Revisions/Submissions	Date
	ISSUE FOR PERMIT AND BID	07/26/2006

REES MASILIONIS TURLEY ARCHITECTURE

REES-STUDIO.COM

904 HARBORWAY
 5TH FLOOR
 KANSAS CITY MO
 64105

Drawing Title

MECHANICAL PLAN

Set:	Drawn	Checked
	DVR	
	Project No.	
	06011.039	
	Date	
07/26/06		
Scale	AS NOTED	
Drawing No.	M-2	

© 2006 REES MASILIONIS TURLEY ARCHITECTURE, L.L.C.

Minnesota Board of Architecture, Engineering, Land Surveying,
Landscape Architecture, Geoscience and Interior Design
85 E. 7th Place, Suite 160, St. Paul, MN 55101 651-296-2388
www.aelslagid.state.mn.us

AUG 30 2006

Application for License/Certificate Renewal: 7/1/2006 - 6/30/2008
ALL licenses and certificates expire on 6/30/06 unless renewed. There is NO GRACE PERIOD!

Name: Katrina Gerber

Profession: Engineering State of Minnesota Board of AELSLAGID

License #: 40581 SEP 07 2006

Rec'd 150

Please make any changes to public/mailling address:

Company: _____
Address 1: 8908 W 106TH ST
Address 2: _____
City, State Zip: OVERLAND PARK, KS 66212
Country: _____
Phone: _____

The following items must be received in the Board office at the same time for processing: signed renewal application(s); signed continuing education reporting form(s) or pre-approved exemption; and payment for the appropriate fee(s). If any item is missing or is not signed, the application will be considered incomplete and will not be accepted. The licensee or certificate holder is responsible for any late fees incurred with the return of incomplete applications.

Continuing Education:

Original Date of Licensure:

Continuing Education: You must complete the continuing education reporting form and report a total of 24 PDH at the left in order to renew your license.

- (a) Total PDH Earned 7/1/04 - 6/30/06: 27
(b) Carryover from previous biennium: 0
(c) Total PDH Submitted (a + b = c): 27

Renewal Fee:

If postmarked on/before 6/30/06 \$120
If postmarked on/after 7/1/06 \$150
If postmarked on/after 10/1/06 \$180

US Funds Only Make check payable to:
MN Board of AELSLAGID

Your cancelled check is your receipt. You will receive a new license card in the mail within approximately 2-4 weeks.

Since your last renewal, have you ever had a license disciplined, denied, surrendered, suspended or revoked?
(If yes, provide a statement of explanation.) Yes No

I swear or affirm that I have read the foregoing renewal application and that the statements are true and complete.

Katrina Gerber
Signature

7/1/2006
Date

EXHIBIT C

The data you furnish on this form will be used by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design to assess your qualifications for renewal of your license and/or certificate. You are not legally required to provide this data; however if you fail to do so, the Board may be unable to renew your license. Information contained on this application is public pursuant to Minnesota Statutes, Sec. 13.41, Subd. 4.

