

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

In the Matter of

**STIPULATION AND
CONSENT ORDER**

Paul Carl Gilham
Professional Engineer License No. 43774

Board File No. 2022-0076

STIPULATION

Paul Carl Gilham ("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 the following order:

A. Respondent's professional engineer license is temporarily suspended pending the outcome of the investigation by the North Carolina Board of Examiners for Engineers and Surveyors regarding Respondent's work on the arches of a pedestrian bridge that collapsed in North Carolina.

B. Within ten days of the North Carolina Board issuing a final decision either dismissing its case against Respondent or imposing discipline against Respondent, Respondent shall provide the Committee with a copy of that decision.

C. If the Committee concludes, based on its review of that decision, that Respondent has not violated Minn. Stat. ch. 326 or Minn. R. chs. 1800 & 1805, then the Board authorizes the Committee to issue an order vacating the temporary suspension of Respondent's license. If the Committee concludes that Respondent has violated Minn. Stat. ch. 326 or Minn. R. chs. 1800 &

1805, then the Committee may initiate a contested-case proceeding seeking discipline against Respondent.

D. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. ch. 326 (2020) and Minn. R. chs. 1800 & 1805 (2021).

E. 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. Respondent currently holds a Minnesota professional engineer license.
2. Respondent is also licensed as a professional engineer in North Carolina.
3. Respondent personally designed the arch members and connections for decorative arches which were intended to span over a pedestrian bridge in North Carolina.
4. In February 2022, the arches failed catastrophically.
5. After the arches collapsed, the North Carolina Board initiated an investigation into Respondent's work on the arches. That investigation has not yet reached a conclusion.
6. In his response to the North Carolina Board, Respondent has admitted that his "review of the design calculations did disclose that the computer model used to design the elements and connections for the arches was inappropriate and flawed." Respondent further admitted that "[t]his misanalysis was a contributing cause of the collapse of the decorative arches."

Conclusion of Law

1. The Board has authority to license and regulate professional engineers and to take disciplinary action as appropriate. Minn. Stat. ch. 326 (2020).
2. The Board may temporarily suspend a license if it has a reasonable basis to conclude that a licensee has engaged in conduct that is negligent or otherwise in violation of the standards established by Minn. R. chs. 1800 & 1805. Minn. Stat. § 326.111, subds. 4(3), 5 (2020). Respondent concedes there is a reasonable basis for such a conclusion, although he does not affirmatively admit to negligence. Accordingly, the Board may temporarily suspend his license pending the outcome of the North Carolina Board's investigation.
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 (2020).

4. If the Board does not approve this stipulation and consent order, then the matter remains unresolved. Respondent agrees that if this case comes before the Board again through a contested-case process 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 he was advised by the Committee of his right to a hearing before the Board on whether to continue, modify, or lift the temporary suspension, to contested-case hearing in this matter before an Administrative Law Judge if the suspension is not lifted, 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 and their corresponding statutory deadlines with respect to this order. Respondent was further advised by the Committee of his right to be represented by counsel and that he knowingly waives 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.

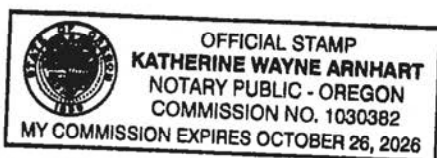

Paul Carl Gilham, P.E.

STATE OF OREGON

COUNTY OF WASHINGTON

This instrument was acknowledged before me on 11/04/2022 by Paul Carl Gilham.

(stamp)




(Signature of notary officer)

My commission expires: October 26, 2024

COMPLAINT COMMITTEE


ERIC FRISKE, J.D.
Chair

Dated: 11/17/, 2022

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 orders as follows:

- A. Respondent's professional engineer license is temporarily suspended pending the outcome of the investigation by the North Carolina Board of Examiners for Engineers and

Surveyors regarding Respondent's work on the arches of a pedestrian bridge that collapsed in North Carolina.

B. Within ten days of the North Carolina Board issuing a final decision either dismissing its case against Respondent or imposing discipline against Respondent, Respondent shall provide the Committee with a copy of that decision.

C. If the Committee concludes, based on its review of that decision, that Respondent has not violated Minn. Stat. ch. 326 or Minn. R. chs. 1800 & 1805, then the Board authorizes the Committee to issue an order vacating the temporary suspension of Respondent's license. If the Committee concludes that Respondent has violated Minn. Stat. ch. 326 or Minn. R. chs. 1800 & 1805, then the Committee may initiate a contested-case proceeding seeking discipline against Respondent.

D. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. ch. 326 (2020) and Minn. R. chs. 1800 & 1805 (2021).

E. Respondent shall report in writing within ten days any and all violations of this stipulation and consent order to the Board's Executive Director.

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SURVEYING, LANDSCAPE ARCHITECTURE,
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Dated: November 17, 2022


for PAUL VOGEL, L.S.
Board Chair
Melisa Rodriguez, PE
Treasurer