

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**

Kim Green
Unlicensed

Board File No. 2022-0063

STIPULATION

Kim Green ("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 shall cease and desist from practicing as an architect in Minnesota until such time as she becomes licensed as an architect in the State of Minnesota.

B. Respondent shall pay to the Board a civil penalty of Thirteen Thousand Dollars (\$13,000). Of this amount, \$3,000 is stayed on condition that Respondent commit no further violations of any law, rule, or order within the Board's jurisdiction. Respondent shall submit the imposed penalty of \$10,000 by check to the Board within sixty (60) days of the Board's approval of this Settlement Agreement and Cease and Desist Order.

C. In the event the Complaint Committee seeks to lift the stay, Respondent may request a hearing to challenge the factual basis for doing so, but she may not contest the amount of the stayed penalty.

D. Respondent shall 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).

E. 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 licensed as an architect in the State of Minnesota.

2. Respondent owns and operates Woodland Home Design, a custom home design business in Minnesota.

3. Respondent stated in a letter to the Board, "I am a residential home designer with an AAS degree in Architectural Construction Technology and only do 0-2 commercial jobs in an average year."

4. Respondent submitted to the Board a list of five commercial projects she has completed work on in Minnesota since 2017.

a. These five projects included the design and remodel of three neighboring units in one commercial building, the design of an exterior addition for another commercial building, and work completed for a multi-unit residential building.

5. In October 2021, plans for one of the three neighboring commercial remodel projects were submitted to the city. Respondent designed the work.

a. Respondent's company logo appeared on all seven pages of the plans.

b. On six of the seven pages "Drawn by Kim Green of Woodland Home

Design" was stated in the legend.

6. The October 2021 plans included the certification of an architect. The certification was dated August 13, 2019. The certification appeared on all seven plan sheets. In all seven instances, the certification appears faded and not all details are discernable.

7. On December 7, 2021, the Board received information from the owner of the architecture company whose employee's stamp appeared on the above-mentioned plans. The owner stated the plans for the commercial remodel project contained facsimiles of the certification of an architect from the company without the knowledge or permission of the company or the employee architect.

8. Respondent appeared before the Complaint Committee and credibly testified that her inclusion of the architect's certification on the October 2021 plans was inadvertent. Respondent stated that the stamp appeared on the October 2021 plans because the previous plans had been used as a starting point for the October 2021 plans contained the certification, which had been placed with the authorization of the architect.

9. Respondent in her response states she has worked with the owner of this architecture company for many years on several commercial projects. The owner of this architecture company is not and has never been licensed as an architect in the State of Minnesota.

a. Respondent states the owner of the company is "willing to work with the plans that I design/draw and he redlines them as needed and provides us with code reviews and will stamp the drawings to be submitted."

10. Respondent in her response also states she has never worked directly with the employee architect at the company.

11. The business operations for the architecture company and Woodland Home Design are stated below.

a. Respondent and her company Woodland Home Design designs and drafts plans and submits them to the architecture company.

b. The architecture company then creates "redlines" of changes to the plans drawn by Respondent. It would then send the plans back to Respondent.

c. Respondent would then draft the "redlines" and return them to the architecture company for further review. If the employee architect at the company approved the plans, he would then stamp the plans.

Conclusion of Law

1. The Board has authority to license and regulate architecture and to take disciplinary action as appropriate. Minn. Stat. ch. 326.111 (2022).

2. Respondent violated Minn. Stats. § 326.02, subds. 1 and 2 (2022).

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 (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 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 settlement agreement and cease and desist 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 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 are represented by counsel.

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 (2022), 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 (2022), 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.

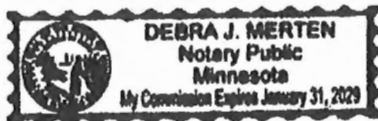
Kim Green
Kim Green

STATE OF MN

COUNTY OF STEARN

This instrument was acknowledged before me on 6-25-24 by Kim Green.


(stamp)



Debra Merten
(Signature of notary officer)

My commission expires: 1-31-29

COMPLAINT COMMITTEE


ERIC FRISKE, JD
Chair


Dated: July 10, 2024

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 hereby ADOPTS the stipulation and issues the ORDER described above.

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

Dated: B-7, 2024


MELISA RODRIGUEZ, PE
Board Chair

DANIEL KELSEY, PE
BOARD VICE CHAIR