

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

In the Matter of

**STIPULATION AND  
CONSENT ORDER**

Timothy Joseph Gustafson  
Professional Engineer License No. 50505

Board File No. 2023-0031

**STIPULATION**

Timothy Joseph Gustafson ("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's Professional Engineer license, No. 50505, is CENSURED, and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2022).

B. Respondent shall pay to the Board a civil penalty of Seven Hundred and Fifty Dollars (\$750.00). Respondent shall submit a civil penalty of \$750.00 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.

C. Respondent shall remain law abiding and 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).

D. 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. The Board issued Respondent a Professional Engineer license in Minnesota on January 9, 2013.
2. Respondent's Minnesota Professional Engineer license expired on July 1, 2022.
3. Respondent emailed the Board on November 15, 2022, and his email signature included "PE" after his name.
4. Respondent renewed his Minnesota Professional Engineer license on December 5, 2022.
5. Respondent self-reported to the Board that he had practiced professional engineering and used the title "PE" in Minnesota during the time of expiration. Respondent was cooperative and responsive during the Board investigation.
6. During the lapse in his license, Respondent completed and signed one set of structural engineering plans for a residence in Crookston, Minnesota on October 18, 2022.
  - a. Respondent's signature block included Minnesota locations along with locations in multiple other states.
  - b. Respondent's signature block also stated, "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."
  - c. Respondent signed the plans with his Minnesota Professional Engineer license number.

### **Conclusion of Law**

1. The Board has authority to license and regulate Professional Engineers and to take disciplinary action as appropriate. Minn. Stat. § 326.111 (2022).
2. Respondent violated Minn. Stat. § 326.02, subds. 1 and 3 (2022).
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 (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 Professional Engineering.
4. If the Board does not approve this stipulation and consent 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 (2022) (describing administrative hearing process).

5. Respondent agrees that if this case comes before the Board again 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 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 waive 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.

8. Pursuant to Minn. Stat. § 16D.13 (2022), any civil penalty imposed by this stipulation and consent 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 stipulation and consent 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.

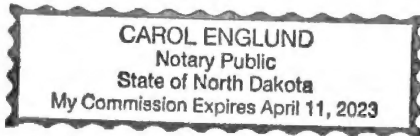
Timothy J. Gustafson  
Timothy Joseph Gustafson, PE

STATE OF North Dakota

COUNTY OF Grand Forks

This instrument was acknowledged before me on April 4, 2023 by Timothy Joseph Gustafson.

(stamp)



Carol Englund  
(Signature of notary officer)

My commission expires: April 11, 2023

COMPLAINT COMMITTEE

Keith B. Rapp  
KEITH B. RAPP

Eric Friske, JD  
Chair

FOR

Dated: 10-MAY, 2023

**CONSENT ORDER**

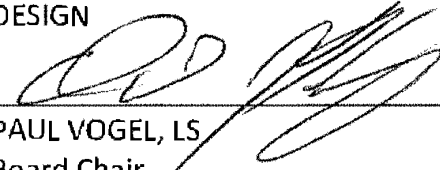
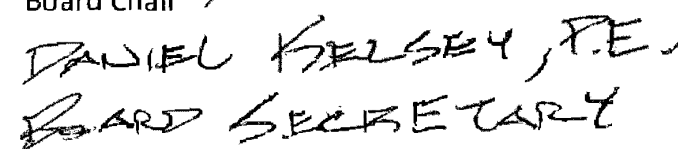
Upon consideration of this stipulation and consent order, and based upon all the files, records, and proceedings herein, all terms of the stipulation and consent order are approved.

Accordingly, the Board orders as follows:

- A. Respondent's Professional Engineer license, No. 50505, is CENSURED, and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2022).
- B. Respondent shall pay to the Board a civil penalty of Seven Hundred and Fifty Dollars (\$750.00). Respondent shall submit a civil penalty of \$750.00 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.
- C. Respondent shall remain law abiding and 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).
- D. Respondent shall report in writing within ten days any and all violations of this stipulation and consent order to the Board's Executive Director.

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

Dated: 5/10/ 2023

FOR   
PAUL VOGEL, LS  
Board Chair  
  
DANIEL KELSEY, P.E.  
BOARD SECRETARY