

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

In the Matter of

**STIPULATION AND
CONSENT ORDER**

Tyler Matthew Hillger
Architect No. 47335

Board File No. 2022-0078

STIPULATION

Tyler Hillger (“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 Architect license, No. 47335, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326.111 (2022).

B. Respondent shall pay to the Board a civil penalty of Three Thousand Dollars (\$3,000). Respondent shall submit the civil penalty by check to the Board within sixty (60) days of the Board’s approval of this Stipulation and Consent Order.

C. Respondent shall complete 2 professional development hours related to professional ethics, and provide proof of completion of the hours to the Board, within 60 days of the Board's approval of this stipulation and Consent Order. These professional development hours are not to count toward the continuing education hours required by statute and rule for license renewal.

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 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 an Architect license in Minnesota on April 28, 2009.
2. Respondent's Architect license expired on June 30, 2020.
3. Respondent started his online renewal process for the 2020 to 2022 renewal period but did not complete the renewal process.
4. Respondent's Architect license was renewed on June 14, 2022.
5. During the nearly two-year lapse in licensure, Respondent held out and practiced as an Architect in Minnesota.

- a. Respondent's company website advertised him as "Tyler Hillger, AIA Senior Project Manager".
- b. Respondent's LinkedIn profile advertised him as "Tyler Hillger Project Architect"
- c. Respondent's business cards used during his lapse in licensure stated "Tyler Hillger, AIA Senior Project Manager."

6. Respondent provided false statements to the Board by answering "True" to the following certification statements on his license renewal application received by the Board on June 6, 2022:

- a. "I have not represented myself as an architect, professional engineer, land surveyor, landscape architect, professional geologist, professional soil scientist, or certified interior designer without proper licensure or certification, either verbally or on any printed matter, in the State of Minnesota, nor will I do so until such time as my license or certificate has been issued by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design;" and
- b. "I have not performed or offered to perform architectural, professional engineering, land surveying, landscape architectural, professional geological, professional soil scientific, or certified interior designer services without proper licensure or certification in the State of Minnesota, nor will I do so until such time as my license or certificate has been issued by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design".

7. Respondent stated in his July 5, 2022 response: "Never during July '2020 through June 2022 did I ever sign any drawings and I am referred to as a Senior Project Manager at the office...I didn't knowingly make any false statements or knowingly fail to disclose material facts. I didn't knowingly engage in conduct involving dishonesty, fraud, deceit, or misrepresentation and have been in the process of fixing the mistake as soon as I knew of it."

8. Respondent also listed in his July 5, 2022 response two single family residence projects that he worked on in Afton and White Bear Lake, Minnesota during his lapse.

9. Respondent provided the redacted plans and contracts for the two single family residence projects which removed the addresses and name on the plans and documents on

January 30, 2023. The submitted plans did not include any signatures; however, Respondent was listed as the contact under the Architects area for the May 25, 2021 permit set provided to the City of Afton, Minnesota.

10. The information that was not redacted in the Respondent's response was utilized to identify the parcel identification for the residences to request the finalized plans and files from the cities of Afton and White Bear Lake.

11. With the finalized plans and files from Afton, there was a May 6, 2021 letter from the engineering firm for the project that was addressed to the Respondent and listed him as the Architect. This letter addressed the engineering firm's designing the new structural members and foundations along with providing the sheets that have been reviewed by the firm.

Conclusion of Law

1. The Board has authority to license and regulate Architects and to take disciplinary action as appropriate. Minn. Stat. ch. 326.111 (2022).
2. Respondent violated Minn. Stat. §§ 326.02, subds. 1 and 2, 326.111, subd. 4(a)(1), (2), and (5) (2022) and Minn. R. 1805.0200, subps. 2 and 4(C) (2021)
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 architecture.

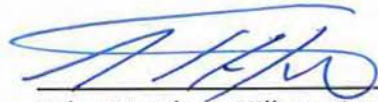
4. If the Board does not approve this stipulation and consent order, then the matter remains unresolved and the Committee may either seek to negotiate a revised stipulation and consent order with Respondent to present to the Board or issue an order commencing a contested-case hearing before an Administrative 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.



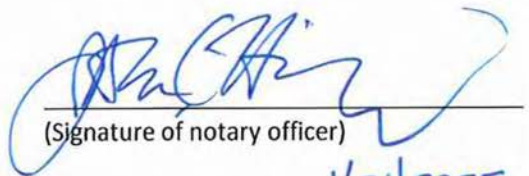
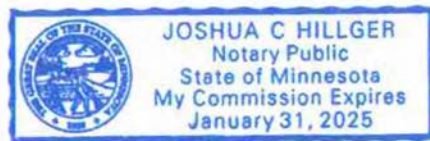
Tyler Matthew Hillger, Architect

STATE OF Minnesota

COUNTY OF Hennepin

This instrument was acknowledged before me on January 10, 2024 by Tyler Hillger.

(stamp)



(Signature of notary officer)

My commission expires: 1/31/2025

COMPLAINT COMMITTEE



ERIC FRISKE, JD
Chair

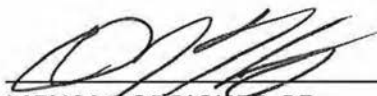
Dated: January 30, 2024

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 hereby ADOPTS the stipulation and issues the ORDER described above.

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

Dated: 1-30, 2024



For MELISA RODRIGUEZ, PE
Board Chair

DANIEL KELSEY, PE
BOARD VICE CHAIR