

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

In the Matter of

Todd Koneczny
Unlicensed

**SETTLEMENT AGREEMENT AND
CEASE AND DESIST ORDER**

Board File No. 2020-0020

SETTLEMENT AGREEMENT

Todd Koneczny (“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 settlement agreement and cease and desist order that imposes the following sanctions:

A. Respondent shall cease and desist from practicing architecture until such time as he becomes licensed as an architect in the State of Minnesota.

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

C. Respondent shall remain law abiding and comply with all statutes and rules within the Board’s jurisdiction. *See* Minn. Stat. §§ 326.02–.15 (2020) and Minn. R. chs. 1800 & 1805 (2021).

D. 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 currently and never has been licensed by the Board as an architect in the State of Minnesota.

2. Respondent is a licensed architect in Wisconsin.

3. Respondent owns and operates a business based in Minnesota focusing on multi-disciplined building consulting.

4. Respondent was hired by a building owner to provide owner representative services for an exterior-improvements project for a shopping center project in Minnesota.

5. Respondent, as part of his services, reviewed project plans prepared by the project architect that were marked as "PRELIMINARY NOT FOR CONSTRUCTION" by the architect. At the request of the building owner, he red-lined the architect's project plans, identified the plans as "PRELIMINARY NOT FOR CONSTRUCTION," and identified project features which could be modified for the purpose of lowering the project cost. Respondent's redlines marked significant changes to the architect's plans.

6. On August 5, 2019, Respondent sent an email to the project contractor in which he included the architect's project plans he red-lined for the purpose of repricing the project. The architect and building owner were copied on the email. In the email Respondent explained the purpose of the red-lined plans and that if the changes resulted in sufficient cost savings that the owner would accept, the architect would need to redraw the project plans for permitting. He noted that the cost of the re-draw would be borne by the building owner.

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 (2020).
2. Respondent violated Minnesota Statutes § 326.02, subds. 1 and 2 (2020), by engaging in the planning or design of the construction of a building.
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 (2020). 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 (2020) (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 knowingly waives that right.

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 (2020), 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 (2020), 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.

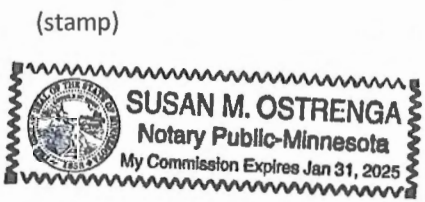



Todd Koneczny

STATE OF Minnesota

COUNTY OF St Louis

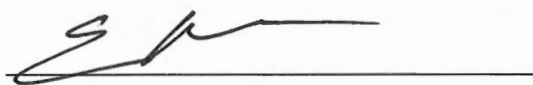
This instrument was acknowledged before me on August 16, 2022 by Todd Koneczny.





(Signature of notary officer)
My commission expires: _____

COMPLAINT COMMITTEE



Eric Friske, JD
Chair

Dated: September 8, 2022

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 orders as follows:

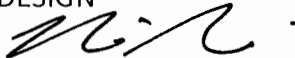
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MINNESOTA BOARD OF ARCHITECTURE,
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Melisa Rodriguez, PE - Treasurer

PAUL VOGEL, LS
Board Chair

Dated: September 8, 2022